MESSAGE FROM THE CHIEF OF POLICE

This policy manual sets forth the policies and procedures applicable to all employees of the San Fernando Police Department. The San Fernando Police Department Policy Manual represents the best practices of modern police procedures. These policies serve to establish and communicate expectations, provide guidelines for daily operations, and validate the principles and values which guide individual and collective performance.

All employees are required to abide by these policies, but should not feel that they are so constrained by them as to eliminate creativity in problem solving. These policies are a tool used when making decisions so that the outcome is aligned with Department expectations and are in the best interest of the community. It is important that each employee know and apply these policies in order to ensure the very best team approach to policing in the City of San Fernando.

Failure to abide by policies and procedures of the Department may result in discipline, up to and including termination. This policy manual may be changed at any time directly or by special orders issued by the Department from time to time.

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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.

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VALUES STATEMENT

The San Fernando Police Department takes pride in the police services provided to our community. We accept the responsibility of making San Fernando a safer and more peaceful community. We understand that we will succeed in that responsibility only if we earn and maintain the trust and support of the community we serve. In order to fulfill our responsibilities, all members of the San Fernando Police Department are committed to the following shared values:

EXCELLENCE As professionals we dedicate ourselves to achieving excellence at every level of our organization. We promote individual and collective accomplishments for their contribution to the overall success of the department and for the benefit of those we serve.

TRUST We are committed to maintaining a foundation of trust in our community and within our organization. To foster that trust, we will strive to uphold the individual rights and dignity of every person.

HONOR We will demand the highest standards of professional conduct. We will honor and respect the rights and dignity of each individual within our community and organization.

INTEGRITY We are dedicated to our community and the public we serve. We will evaluate our actions and act responsibly, both individually and collectively, to ensure that our personal and professional integrity is without compromise.

COMMITMENT We are proud of our commitment to our profession and our community. We will endeavor to uphold the laws by which we are governed and we shall respect the will of the people by supporting our elected officials.

SERVICE The people of our community are the reason we exist. We will strive to meet their needs by providing in our organization excellent leadership and organization and effective programs to improve our police services. Because we are an organization of people who serve people, we will do so in a courteous and professional manner. As the needs of our community change, the members of the San Fernando Police Department will encourage innovative ideas and individual growth to meet the exciting challenges of the future.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the officers of the San Fernando Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn officers of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 and § 832.6 et seq.).

100.2.1 DELIVERY TO NEAREST MAGISTRATE

When an officer makes an arrest pursuant to a warrant with bail set, and the warrant was issued in a county other than where the person was arrested, the officer shall inform the person of the right to be taken before a magistrate in the county where the arrest occurred (Penal Code § 821; Penal Code § 822).

100.2.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE SAN FERNANDO POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the San Fernando Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person committed a felony.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this City except in cases of hot or fresh pursuit, while following up on crimes committed within the City or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the City should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

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100.2.3 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE SAN FERNANDO POLICE DEPARTMENT

The arrest authority within the jurisdiction of the San Fernando Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.2.4 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

1. A misdemeanor committed in the presence of the officer.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.3 POLICY

It is the policy of the San Fernando Police Department to limit its officers to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate the abuse of law enforcement authority.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

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(b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

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

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Chief of Police

101.1 PURPOSE AND SCOPE

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

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Oath of Office

102.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that oaths, when appropriate, are administered to department employees.

102.2 POLICY

It is the policy of the San Fernando Police Department that, when appropriate, department employees affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its employees to their duties.

102.3 OATH OF OFFICE

All department employees, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn officers 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 (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

“I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”

102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the San Fernando Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All employees and volunteers are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement 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 employees of this department under the circumstances reasonably available at the time of any incident.

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the San Fernando Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or employees. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The San Fernando Police Department reserves the right to revise any policy content, in whole or in part.

103.2.2 STAFF

Command Staff shall consist of the following:

- Chief of Police
- Division Commanders
- Other positions as designated by Chief of Police

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings.

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103.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their suggestion, in writing, to their Division Commander who will consider the recommendation and forward to Command staff.

103.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized 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.

103.3.1 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"

103.3.2 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 - Any person 18 years of age or older.

CHP - The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of San Fernando, California.

Department /SFPD - The San Fernando Police Department.

DMV - The California Department of Motor Vehicles.

Employee/Personnel - Any person employed by the Department.

Juvenile - Any person under the age of 18 years.

Manual - The San Fernando Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person who is employed by the Department or appointed by the Department including sworn full-time and reserve officers, civilian employees and volunteers.

Civilian - Employees and volunteers who are not sworn peace officers.

Officer/Sworn - Those employees, regardless of rank, who are sworn employees of the San Fernando Police Department.

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

Order - A written or oral order issued by a superior.

POST - The California Commission on Peace Officer Standards and Training.

Rank - The job classification title held by an officer.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

USC - United States Code

103.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following:

- Chief of Police
- Division Commanders
- Watch Commander's Office
- Officer's Report Room
- Temporary Holding Facility (15 CCR § 1029)

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.

103.4 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.

Each employee shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Special Orders. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

103.5 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

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103.6 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of and comply with all Policy Manual revisions.

Each Division Commander will ensure that employees under his/her command are aware of any Policy Manual revision.

All department employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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Chapter 2 - Organization and Administration

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Organizational Structure and Oversight Responsibility

200.1 GENERAL

This Policy describes the organizational structure and oversight responsibility of the Department.

In a situation when the Chief of Police or a designated replacement is not available, the Watch Commander shall assume interim command of the Department. When relief is effected, it shall be in the succession of command. When officers are of equal rank, command responsibility shall be determined by seniority in rank. The initial command of Department resources at a police situation rests with the primary officer at the scene. Such person has the authority to direct the operations and is responsible for its outcome. Should a supervisor arrive at the scene, such officer may make suggestions; however, the supervisor may not actively direct the operation unless the supervisor relieves the supervisor's subordinate of command by specifically advising the subordinate that the supervisor is assuming command. A Senior Command Officer at an emergency scene who does not choose to take command will be held accountable for unfavorable developments that he could have prevented.

200.2 DIVISIONS

The Department is organized into the following Divisions:

1. Patrol Division
2. Detective Division
3. Support Services Division
4. Reserve Division

200.2.1 PATROL DIVISION

200.2.1.1 PURPOSE

This section establishes the Department's patrol functions, responsibilities and organization. Patrol Division is charged generally with the responsibility of: (i) Patrolling the City, (ii) Prevention of crime, (iii) Preliminary investigations, (iv) Apprehension of violators, (v) Traffic enforcement, and (vi) Calls for service.

The Patrol Division has the primary responsibility for safeguarding the community through prevention of crime, suppression of criminal activity, apprehension of offenders, and regulation of traffic, and the preliminary investigation of criminal offenses. The Patrol Division has jurisdiction over the following:

Uniform Patrol

Uniformed patrol of the City, enforcement of penal statutes and ordinances, suppression of disturbances, traffic law enforcement, and offering aid and information as circumstances require.

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Complaint Disposition

Receiving and disposing of complaints received by the Department requesting police assistance.

Traffic Investigations

Preliminary and follow-up investigation of all reportable traffic collisions.

Traffic Control

Traffic control methods to regulate the flow of vehicular and pedestrian traffic within the City.

Parking Enforcement

The enforcement of State laws and City ordinances related to the legal parking of vehicles.

Custody of Prisoners

Reception, booking processing, and custody and welfare of all persons arrested and booked into the Department jail. Transportation of prisoners for court appearances and custody of prisoners' property.

The Patrol Division is composed of the following positions:

- Division Commander
- Watch Commander
- Field Training Officer
- Patrol Officer
- Dispatcher/Jailer
- Community Service Officer

A. Patrol Division Commander: Responsibility of Command

The Patrol Division Commander exercises line command over the operations of the Division. The Patrol Commander is responsible for carrying out, interpreting, coordinating and enforcing existing policy and methods, and for originating and developing applicable intra-division policies and methods. The Patrol Commander also acts in an advisory capacity to the Chief of Police concerning Department policy and procedures.

B. Supervision in Field Operations

Field supervision begins with the Watch Commander and it is upon them that the primary burden of training and supervision of patrol officers is placed. A Watch Commander is the first level of full-time supervision, and has the primary responsibility to guide, train, direct and motivate those

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over whom he has control. A Watch Commander is not normally expected to engage in law enforcement operations except in a command or supervisory capacity.

C. Authority to Relieve Officer from Duty

Notwithstanding any other provisions of the Personnel Rules and Regulations, whenever a supervisor determines that an employee's conduct poses a threat of injury to the employee and/or to other persons, the supervisor has the authority to relieve the employee from duty for that shift. Upon relieving the employee from duty, the supervisor shall request that he or she turn in his or her badge and other departmental effects before leaving the shift. Whenever these circumstances occur, the Chief of Police shall be notified immediately by telephone.The employee so relieved shall report to the Chief of Police's office the next working day following this action prior to resuming his or her shift.

200.2.2 DETECTIVE DIVISION

Detective Division is charged generally with the responsibility of: (i) Investigating crimes, (ii) Apprehension of violators, (iii) Investigation of narcotics activity, gangs and vice conditions, (iv) Processing cases for court,(v) responses to Subpoena Deuces Tecums and Pitchess Motions, and (vi) asset forfeiture.

200.2.3 SUPPORT SERVICES DIVISION

Support Services Division is charged generally with the responsibility of: (i) Records management,including (i) Drug Abuse Resistance Education (D.A.R.E.) Program, (ii) Training, Supplies, inventory and fleet management, (iii) Program development (iv) Budget preparation, (v) Policy preparation, (vi) Research and surveys, (vii) Community relations (viii) Neighborhood and Business Watch (ix) Emergency preparedness, (x) Property Control, (xi) School Resource Officer and (xii) Cadets.

200.2.4 RESERVE DIVISION

200.2.4.1 NAME OF THE DIVISION

The name of the division is the San Fernando Police Reserve Division.

200.2.4.2 PURPOSE AND SCOPE

This section shall be known as “The San Fernando Police Reserve Manual” and forms a part of the San Fernando Police Manual, the San Fernando Personnel Manual and all Department policies, directives and orders, all of which shall be binding upon reserve officers. All reserve officers shall read, be familiar with and comply with the San Fernando Police Manual and such policies, directives and orders as may be issued by the Department from time to time.

The Reserve Manual cites provisions of and remains subject to California law and regulations promulgated by the California Commission on Peace Officers Standards and Training (POST).This version supersedes all previous Reserve Manuals.

200.2.4.3 EFFECTIVE DATE

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This section is effective June 1, 2015.

200.2.4.4 RESERVE OFFICERS SERVE AT THE WILL OF THE CHIEF OF POLICE

Reserve officers are “at will” employees and serve at the will and discretion of the Chief of Police. The Chief of Police may dismiss any reserve officer, increase or reduce the size of the Reserve Division, promote or demote any reserve officer, and take any other action with respect to the Reserve Division as the Chief of Police wishes in his or her sole discretion. The Chief of Police has the sole discretion to interpret and apply provisions of this Reserve Manual as he or she deems necessary or desirable.

200.2.4.5 CHAIN OF COMMAND

The chain of command shall be respected in all matters. Information and communications shall move up and down through channels unless otherwise approved by Reserve Staff. It shall be the responsibility of each level to forward information and communications to the next higher or lower level together with approval, disapproval, recommendation, or action taken. Chain of command is as follows:

Chief of Police

Reserve Division Commander

Reserve Lieutenant

Reserve Sergeant

Reserve Officer

200.2.4.6 COMMUNICATIONS IN WRITING

All formal requests, memoranda, and/or responses to orders shall be in writing and submitted through the chain of command.

200.2.4.7 COURT ATTENDANCE

All reserve officers required to attend court proceedings in connection with the reserve officer’s service to the Department shall be punctual and dressed in either civilian business attire or uniform. Testimony shall be given with the strictest accuracy and professionalism. Subpoenas are kept in the Police Station and it shall be the duty of every reserve officer to ascertain if he or she has any subpoenas. Reserve officers must sign for all subpoenas. Reserve officers subpoenaed for court shall be paid at the lowest step rate for the rank of Police Officer.

200.2.4.8 MONTHLY STIPEND

Each reserve officer who works a minimum of 20 hours in a given month shall be paid a monthly stipend, which shall be paid quarterly.Reserve officers shall consult their personal financial advisors with regard to the tax treatment of any payments received in connection with their duties as reserve officers.

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200.2.4.9 CRPOA MEMBERSHIP

All reserve officers are members of the California Reserve Peace Officers Association (CRPOA). Dues for CRPOA membership shall be deducted from the monthly stipend.

200.2.4.10 GRIEVANCES

A grievance is a dispute by a reserve officer concerning the interpretation or application of Department policies, directives or orders which has not been resolved satisfactorily between the reserve officer and his/her immediate supervisor.

The grievance procedure shall be as follows:

- The reserve officer must submit a written statement of the grievance to his/her supervisor, together with the requested remedy.
- A meeting between the reserve officer and his/her supervisor shall be held within 10 days of submission (or as soon as practicable thereafter) and the supervisor must render his/her written decision within 10 days after such meeting. The written decision shall be hand-delivered, mailed or emailed to the reserve officer.
- If the grievance is not resolved as set forth above, the reserve officer may request an investigation of the grievance by the Reserve Division Commander in writing within 10 days after receiving the results of the meeting with his/her supervisor. An investigation shall be conducted and the results mailed, hand-delivered or emailed to the reserve officer no later than 30 days after receipt of the request.
- If the grievance is not resolved by the decision of the Reserve Staff, the reserve officer may submit a written request to the Chief of Police (with a copy sent simultaneously to the Reserve Division Commander) within 10 days of receipt of the decision of the Reserve Staff. The decision of the Chief of Police is final and binding.

200.2.4.11 INJURIES ON DUTY

Reserve officers are employees of the Department and, as such, are entitled to workers'compensation benefits on the same basis as full-time officers in accordance with Labor Code Section 3362.5. If injured, the reserve officer must write an Officer's Report to his/her supervisor explaining the circumstances of the injury as soon as practicable following the injury. Workers Compensation claims are processed by the Department.

200.2.4.12 LEAVE OF ABSENCE

A Leave of Absence may be granted at the discretion of the Reserve Staff for 30, 60 or 90 days. Reserve Staff may extend a leave of absence on a case-by-case basis. The request must be submitted in writing at least 14 days before the start of the leave and must provide the dates of leave and the reason for the request. In case of an emergency, a reserve officer may request that his/her supervisor handle the paperwork for the reserve officer and follow-up with a signed request at a later date. The reserve officer's badge, identification card, and CCW license must be surrendered to the Reserve Staff during any leave exceeding 30 days. All leaves must be approved by the Reserve Staff before going into effect.

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200.2.4.13 LIMITED DUTY

Reserve officers may request in writing to be placed on limited duty status.Limited duty may be granted for 30, 60 or 90 days at the discretion of the Reserve Staff. Reserve Staff may extend limited duty status on a case-by-case basis. While on limited duty, reserve officers: (1) must satisfy the monthly hours requirement (20 hours), including attending the General Meeting and Range Qualification (unless physically unable to do so), (2) must not work patrol or other assignment inconsistent with such limited duty status, (3) may not work any paid duty assignment, and (4) shall work such assignments as Reserve Staff shall determine consistent with such status.

200.2.4.14 LOST OR STOLEN CITY PROPERTY

If a reserve officer's badge,identification card, firearm or other equipment issued to the officer is lost or stolen, the reserve officer must report the incident to the Watch Commander and his/her supervisor immediately upon discovery thereof. In such event, the reserve officer shall submit an Officer's Report to his/her supervisor within 24 hours of occurrence (or as soon as possible under extenuating circumstances) detailing the circumstances of the incident. Reserve officers may be responsible for the cost of replacement of issued items if lost or damaged due to carelessness or negligence as determined by the Reserve Staff.

200.2.4.15 MAILBOX

The reserve officer and Reserve Staff mailboxes are located in the Report Writing room. Reserve officers and Reserve Staff shall check their mailboxes as frequently as practicable.

200.2.4.16 OFF-DUTY INCIDENTS

Under the Penal Code, Designated Level I reserve officers have 24-hour peace officer authority (on-duty and off-duty). See Section 5-004.06 below. All other reserve officers do not have peace officer authority when they are off-duty and thus should avoid becoming involved in law enforcement-related incidents. Reserve officers are expected to use appropriate judgment in all cases. If while off-duty, a reserve officer becomes aware of a situation which necessitates police action, the reserve officer shall immediately notify local law enforcement authorities (subject to the tactical situation and the safety of persons involved). Any actions taken by an off-duty reserve officer (other than Designated Level I reserve officers) are taken in the legal capacity of a private person. Identification as a reserve peace officer shall only occur in extenuating circumstances involving the potential for serious bodily harm or death or as the tactical situation requires. If a reserve officer becomes involved in an off-duty incident, he or she shall promptly contact the Watch Commander and thereafter a member of Reserve Staff and provide details thereof.

200.2.4.17 PERSONNEL INFORMATION

Every reserve officer shall provide the Department with the officer's current personal information as prescribed in the Department form (including any changes to such information). Reserve officers may review the contents of their personnel jackets by submitting a memo through the chain of command. Background investigation packages are confidential and not subject to review.

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200.2.4.18 RANK

Reserve officers are distinguished by rank. Reserve officers and Reserve Staff are subject to the commands and orders of an officer or staff member of higher rank. Any disputes concerning the authority of any particular officer shall be resolved by the Reserve Division Commander.

200.2.4.19 REIMBURSEMENT FOR AUTHORIZED TRAVEL EXPENSES

Reserve officers may be reimbursed for travel approved in advance by the Department. “Authorizations for Reimbursement” forms may be obtained from the Reserve Staff. Reserve officers will be reimbursed at the currently approved amount for all City employees.

200.2.4.20 REIMBURSEMENT FOR DAMAGE TO PERSONAL PROPERTY

Requests for reimbursement for damaged items will be considered on a case-by-case basis. It is the responsibility of each reserve officer to document any claim for damaged personal property. The damaged property must have been used in connection with Department business. Reserve officers must include supporting written statements to explain the damage, an original receipt for the purchase of the item if possible, and submit the damaged article(s) with the documents to the Reserve Staff for evaluation and recommendation. The final determination will be made by the Chief of Police.

200.2.4.21 TIMECARDS

Reserve officers must keep accurate records of all hours worked using the 24-hour military manner of timekeeping, rounded to the nearest half-hour. Timecards shall be kept at such place as shall be designated by Reserve Staff. When reporting for duty, reserve officers must record the date and starting time on his/her card and place the timecard in the “On Duty” board.Officer’s timecards must be either on the “Duty” board or in the file. Timecards must be initialed by the Desk Officer or a member of Reserve Staff. Cards are to be left in the Police Station, must be signed by the reserve officer and shall be coded in conformity with the index thereto.

200.2.4.22 USE OF POLICE IDENTIFICATION AND UNIFORM

Reserve officers shall not use Police Department identification or any issued uniform item in connection with their regular employment or any activity other than functions of the Reserve Division (except in such circumstances as may be appropriate, e.g., identification in connection with the carrying of a concealed firearm, purchasing law enforcement equipment, or such other routine matters where identification as a police officer would be proper). Reserve officers may wear their uniform in connection with Departmentally-approved paid or “Contract Duty.”

200.2.4.23 HOURS REQUIREMENT

Each reserve officer shall work a minimum of 20 hours per month.

200.2.4.24 STAFF MEETINGS

The Reserve Staff shall meet on the second Wednesday of each month or as designated by the Reserve Division Commander.

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200.2.4.25 GENERAL MEETINGS

General Meetings are held the 4th Wednesday of the month. Attendance is mandatory unless excused by Reserve Staff. 2 hours are granted for attendance unless actual time is longer, in which case actual time (rounded to the nearest one half hour) shall be recorded. The dress code for the General Meetings is casual. Uniforms are not required. Reserve officers shall present a neat, professional appearance. Reserve officers must notify their supervisor if they will not be able to attend the General Meeting and the reason for such absence. Guests at General Meetings should be cleared with the Reserve Staff before the meeting. Guests may be asked to leave if confidential material is being presented.

200.2.4.26 SCHEDULED DUTY

Reserve officers shall schedule duty shifts (Patrol and Court Commitment) at the General Meeting for the coming month. If a reserve officer desires to go on-duty without having signed the schedule, the officer shall contact the Watch Commander in advance. Reserve officers already on the Patrol Schedule shall have priority. When any reserve officer knows he or she will be unable to report for a scheduled duty, he or she must use best efforts to secure a replacement and advise the Watch Commander of any changes. Reserve officers who fail to appear or are delayed in appearing for scheduled duty without proper notification are subject to discipline. Reserve officers assigned to Detectives shall fill out a sign-up sheet for the coming month's anticipated shifts.

200.2.4.27 CALL-INS

Call-ins may occur from time to time on short notice. Reserve officers shall use their best efforts to respond to the Station when call-ins occur. When called in, 4 hours minimum can be recorded on the timecard (or actual time if longer than 4 hours).

200.2.4.28 INSPECTIONS

Uniform, document and equipment inspections shall be conducted annually. Reserve officers shall wear the appropriate patrol uniform (short-sleeve, no necktie unless otherwise notified), have their driver's license and identification card in their possession, wear their shooting badges (if earned) and carry their batons. All leather, weapons and uniforms shall be cleaned and ready for inspection. Nylon gear is acceptable.

Firearms shall be loaded until ordered to be unloaded as directed in a safe and controlled manner. After the inspection, weapons will be re-loaded upon command in a professional manner consistent with officer safety.

200.2.4.29 CARRYING A CONCEALED FIREARM OFF-DUTY

A reserve officer may request a CCW license at any time following the reserve officer's appointment to the Department. This request must be approved by the Reserve Staff before being forwarded to the Chief of Police. Issuance of a CCW license shall be in the sole discretion of the Chief of Police and may be subject to completion of a minimum one-year probationary period or such other conditions as the Chief of Police may determine in his/her sole discretion. Reserve officers shall pay any processing fee charged by the State of California Department of Justice.

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A reserve officer is permitted to carry a firearm off-duty if approved by the Chief of Police. Subject to the foregoing, a reserve officer is a “qualified law enforcement officer” as defined in the Law Enforcement Officers Safety Act (18 U.S. Code Section 926B) (“LEOSA”) and may carry a firearm off-duty under LEOSA subject to the requirements thereof. See the Department's Firearms policy for further information on LEOSA. If carrying a firearm pursuant to LEOSA, a reserve officer shall (i) carry his/her identification card, (ii) have in his/her possession certification of having met firearms qualification in accordance with Department requirements, (iii) not be the subject of any current disciplinary action, (iv) not be under the influence of alcohol or any other intoxicating or hallucinatory drug, and (v) be in compliance with all other requirements of LEOSA. Federal law prohibiting the carrying of firearms in certain locations is not superseded by LEOSA and individual States may enact laws that (a) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or (b) restrict the carrying of firearms on State or local government property. Such laws are not superseded by LEOSA.

200.2.4.30 CONFIDENTIALITY

Reserve officers shall treat as confidential the official business of the Department. Disclosure of law enforcement-related matters or other confidential information of the Department shall not be disclosed to third parties.

200.2.4.31 ISSUED EQUIPMENT

Each reserve officer shall be personally responsible for all equipment issued to the reserve officer by the Department. A reserve officer shall not permit any other person to borrow or otherwise use Department-issued equipment except if the tactical situation calls for such use. All Department-issued equipment shall be returned to the Department upon resignation, retirement or termination.

200.2.4.32 OFFICIAL RECORDS

Reserve officers shall not remove, copy or disseminate any official record, document or information from the Department except as directed by their supervisor or as required by law. Any use of Department records other than for a valid law enforcement purpose may result in discipline, including termination and criminal prosecution.

200.2.4.33 PERFORMANCE OF DUTY

All reserve officers shall conduct themselves in accordance with the standards of conduct applicable to all Department employees as set forth in this Manual.

200.2.4.34 USE OF CITY VEHICLES

Reserve officers shall not use City vehicles without the knowledge or permission of the appropriate supervisor. Reserve officers shall have their driver license in their possession when operating City vehicles. When authorized to drive a City vehicle, reserve officers shall not use the vehicle outside the City (except as specifically authorized by proper authority or in connection with law enforcement activities). Reserve officers shall not permit persons other than authorized employees to ride in City vehicles (except as directed by the appropriate supervisor). Any vehicle equipment failure shall be recorded on the proper form (B.O. slip) and submitted per Department policy.

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200.2.4.35 ACCESS TO LAW ENFORCEMENT NETWORK AND DATABASES

Reserve officers have access to confidential criminal record information which may only be accessed in compliance with state and Federal law. Reserve officers shall not access such information for personal reasons.Any reserve officer who is responsible for such misuse is subject to immediate dismissal. Accessing confidential law enforcement databases for personal use may also result in criminal prosecution and may result in suspension or dismissal.

200.2.4.36 REQUIREMENTS FOR MEMBERSHIP

The requirements to become a reserve officer shall comply with California law (Government Code Sections 1029 and 1031), POST rules and regulations and Department requirements. These requirements include, without limitation, the following:

- United States Citizenship, or permanent resident alien eligible for and has applied for citizenship

- Minimum age of 21 years old at time of appointment

- Valid California Class “C” or other State driver’s license if applicable

- High school diploma or equivalent, including High School Proficiency Certificate or General Education Development (GED) Certificate

- Must be eligible for appointment as a peace officer under California law, including meeting all requirements established by POST

- Demonstrate financial responsibility and stability

- Pass a written examination and an oral interview

- Pass a POST-approved physical agility test

- Pass a thorough background investigation

-Complete and pass a polygraph examination

- Pass medical and psychological evaluations

- Complete a course of academy instruction which meets the requirements of POST and the Department

- No prohibited employment as noted below

Certain requirements may be waived by the Chief of Police for applicants who are currently appointed California peace officers at the time of application.

200.2.4.37 APPOINTMENT

Applicants who are selected for appointment shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability. Newly appointed reserve officers are subject to a one-year probationary period which may be adjusted in the discretion of the Reserve Commander.Reserve officers appointed to the Department are assigned police functions and have

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the status of peace officers within the meaning of Part 2, Title 3, Chapter 4.5 of the Penal Code for all purposes, subject to the limits of authority as described in Penal Code Sections 830.6 and 832.6.

200.2.4.38 PROHIBITED EMPLOYMENT AND OFF-DUTY EMPLOYMENT

The Department follows the general guidelines set forth in Government Code Sections 24004 and 24004.5 with respect to certain prohibited employment activities of peace officers, including reserve officers.Accordingly, reserve officers shall not:

- Represent any person or practice law in a criminal matter (or have as a partner a lawyer in a criminal matter) in any instance concerning an event or transaction if the reserve officer has performed or knows he or she will perform any act relating to the event or transaction in performance of his or her duties as a reserve officer or where there may be a conflict of interest in any matter adverse to the Department.
- Act as a debt collector or be employed by any debt collection agency or have a partner who is a lawyer, debt collector or anyone who acts as a lawyer or debt collector for a debt collection agency.
- Be employed in any business as a private investigator or provide security services to a private security company (or have any financial interest in any private investigation agency or private security company, either directly or indirectly, or by means of community property or trust) without the expressed written consent of the Chief of Police.
- Hold Retail Liquor Licenses issued pursuant to applicable provisions of the Business and Professions Code
- Engage in any type of employment or business, including the services of the Office of Notary Public, which would result in a conflict of interest with the employee’s duties or responsibilities to the Department
- Hold any other position granting peace officer authority pursuant to the Penal Code without mutual written consent of both agencies (the preceding shall not preclude personnel from serving as military police officers in reserve or National Guard military units)

If a reserve officer becomes employed in any prohibited employment, the reserve officer may be subject to termination from the Reserve Division. The Chief of Police retains discretion to apply the foregoing as he or she deems necessary or appropriate in the specific case.

Off-duty employment of reserve officers is only available following completion of probation and subject to approval of the Reserve Staff Commander.

200.2.4.39 TRAINING REQUIREMENTS

POST sets training standards for all peace officers in California. Prior to appointment to the Department, reserve officers must complete POST-certified instruction (currently as follows):Level I reserve officers must satisfactorily complete the POST Regular Basic Course. Level II Reserve Officers are required to satisfactorily complete the prescribed Level II course of instruction

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(Modules III and II).Level III reserve officers are required to satisfactorily complete the prescribed Level III training program (Module III).Following appointment, all Level I and Level II reserve officers shall complete the Department's field training requirements.

200.2.4.40 CONTINUING PROFESSIONAL TRAINING

All Level I and II reserve officers shall complete 24 hours of Continuing Professional Training (CPT) every 2 years in accordance with POST requirements. Failure to meet CPT requirements may lead to suspension until such time as those requirements are satisfied.

200.2.4.41 DEPLOYMENT OF RESERVE OFFICERS

The Penal Code prescribes the following reserve officer levels:

- Level I (Designated and Non-Designated)
- Level II
- Level III

The POST Reserve Peace Officer Summary appears at the end of the POST page you can find here. The following summarizes such provisions:

LEVEL I (DESIGNATED AND NON-DESIGNATED) RESERVE OFFICERS

Level I reserve officers perform general law enforcement assignments and are "designated" if the municipality employing them has adopted an ordinance or resolution "designating" such officers as having full peace officer authority both on-duty and off-duty. Non-designated Level I reserve officers have peace officer authority only while on-duty. Level I reserve officers must successfully complete the Department's POST-approved Field Training Program, following which they may work alone in a general law enforcement capacity.

LEVEL II RESERVE OFFICERS

A Level II reserve officer may perform general law enforcement assignments only while under the immediate supervision of a peace officer who has completed the POST Regular Basic Course. Immediate supervision is defined as continually being in the physical proximity of and available to the reserve officer. However, allowances are permitted for necessary temporary separations such as tactical situations requiring separation. A Level II reserve officer may work assignments authorized for Level III reserve officers without immediate supervision. Level II reserve officers who work patrol assignments must complete the Department's Field Training Program. Level II reserve officers have peace officer powers only while on-duty.

LEVEL III RESERVE OFFICERS

Level III reserve officers may perform limited support duties and other duties which are not likely to result in physical arrests. Level III reserve officers may not be assigned to general law enforcement activities. Level III reserve officers may perform their duties while supervised in the accessible vicinity by an officer who has completed the Regular Basic Course. Level III reserve officers may

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transport prisoners without immediate supervision. Level III reserve officers have peace officer powers only while on-duty.

200.2.4.42 FIREARMS QUALIFICATION

All reserve officers shall qualify on a calendar quarterly basis with their firearms in accordance with Department requirements. Reserve officers are required to train with their firearms at the Department range (or at such other times and places as approved by the Reserve Rangemaster) on a monthly basis, provided that as long as a reserve officer has qualified with his or her firearm on a calendar quarterly basis, such reserve officer shall be considered in compliance with the Department's qualification standards. Before working the first patrol assignment, a newly-appointed reserve officer shall have his/her duty weapon inspected by the Reserve Rangemaster and shall pass a proficiency course with his/her duty weapon and shotgun. After returning from any leave of absence, suspension, or break in service of more than 60 days, the reserve officer must qualify with his/her duty weapon and such other firearms as the Department shall determine.

200.2.4.43 LESS LETHAL WEAPONS AND OTHER TRAINING

All reserve officers carrying less lethal weapons (OC Spray, Baton, Taser) shall be certified by the Department prior to carrying such equipment. All reserve officers shall maintain current certifications in First Aid / CPR / AED.

200.2.4.44 FITNESS FOR DUTY REVIEW

Reserve officers are subject to fitness for duty reviews if the Reserve Staff identifies a cause which may require such a review. Once such a cause has been identified, the reserve officer shall be notified of the need for a medical or psychological fitness for duty review. In the event Reserve Staff believes a reserve officer is not fit for an assigned duty, the reserve officer shall be notified in writing. Such notification shall state the reason(s) the reserve officer is believed to be unfit for duty and, if appropriate, may also include notice that the reserve officer is suspended or is limited in the duties that may be performed. A reserve officer who receives such a notification will be evaluated by medical staff appointed by the Department. Any costs for obtaining medical records requested by Reserve Staff from the reserve officer's health care provider(s) shall be the responsibility of the reserve officer. A reserve officer who receives an adverse decision may appeal the decision in writing to the Reserve Division Commander. Upon assignment and review of the appeal, the Reserve Division Commander will communicate the final decision in writing to the reserve officer and such decision shall be final and non-appealable.

200.2.4.45 RESIGNATION

Any reserve officer may resign by submitting written notification to the Chief of Police through the chain of command. A reserve officer who has resigned in good standing may request reinstatement within 12 months, subject to any background review required by POST.

200.2.4.46 RETIREMENT

A reserve officer in good standing may retire with credentials (retirement ID and flat badge) after an aggregate of 10 years of service as a law enforcement officer. Pursuant to Assembly Bill 703

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(effective January 1, 2014), a Level I reserve officer retiring in good standing after an aggregate of 10 years of service as a Level I reserve officer shall be issued a CCW endorsement with his/her retirement credentials (subject to the provisions of the Penal Code with respect thereto). The Chief of Police has the discretion to issue a CCW endorsement to any retired Level II or Level III reserve officer provided such reserve officer retires in good standing as determined by the Chief of Police after an aggregate of 10 years of service. Requests for retirement should be submitted in writing through the Reserve Staff to the Chief of Police. A reserve officer injured on duty or who believes he/she has special circumstances may request early retirement with credentials. Each request shall be decided by the Chief of Police on case-by-case basis (except that Level I reserve officers shall be issued credentials with CCW endorsements in compliance with AB 703 and the Penal Code).

200.2.4.47 RESERVE STAFF STRUCTURE

The structure of the Reserve Division is intended to be flexible and adaptable to the changing needs of the Division. The total number of reserve officers in the Department shall not exceed 100. Reserve Staff positions are as follows:

- Reserve Captain (Reserve Division Commander)
- Reserve Lieutenant(s)
- Reserve Sergeant(s)

There shall be such number of Reserve Lieutenants and Reserve Sergeants (with such responsibilities) as may be determined by the Reserve Division Commander (with approval of the Chief of Police) from time to time.

200.2.4.48 RESERVE DIVISION COMMANDER

The Chief of Police shall appoint a Reserve Division Commander. The Reserve Division Commander is responsible for all facets of the Reserve Division. It is his/her duty to prescribe rules and regulations for the conduct of reserve officers. He or she may at any time suspend a reserve officer or take such other temporary disciplinary action as he or she deems necessary. The Reserve Division Commander shall (i) oversee all aspects of operations and training for the Reserve Division, (ii) conduct Staff and General Meetings, and (iii) supervise Reserve Staff.

200.2.4.49 RESERVE LIEUTENANTS

Reserve Lieutenants shall be appointed by the Reserve Division Commander with the approval of the Chief of Police and shall have such responsibilities as determined by the Reserve Division Commander.

200.2.4.50 RESERVE SERGEANTS

Reserve Sergeants shall be selected by the Reserve Division Commander with the approval of the Chief of Police. Reserve Sergeants shall be responsible for emergency call-ins, the coordination of the continuing professional training for the reserve officers, maintaining training records, coordinating internal investigations, overseeing police functions carried out by reserve officers,

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including patrol, detectives, subpoena service, warrant detail, court commitment, administrative matters, prisoner transport, special assignments and such other matters as the Reserve Division Commander shall determine from time to time.Reserve Sergeants shall also oversee records and statistics relating to personnel and hours worked, establishing and maintaining personnel files, payment to reserve officers and recruiting.

200.2.4.51 ASSIGNMENT TO SQUADS

All reserve officers are assigned by the Reserve Staff to a squad. There are 3 squads: Patrol Squad, Detectives Squad and Training Squad.

200.2.4.52 PATROL SQUAD

Uniform patrol is the primary purpose of the Patrol Squad. The patrol function encompasses all aspects of general law enforcement activities as defined by POST. Only Level I and Level II reserve officers may be assigned to the Patrol Squad.

200.2.4.53 DETECTIVES SQUAD

The Detectives Squad will investigate crimes, serve warrants, serve subpoenas, and work other detective assignments as needed. Level I, II or III reserve officers may be assigned to the Detectives Squad.

200.2.4.54 TRAINING SQUAD

The Training Squad shall have primary responsibility for Court Commitment and such other assignments as may be determined from time to time. Level I, II or III reserve officers may be assigned to the Training Squad.

200.2.4.55 RANGEMASTER

Qualified reserve officers may act as Rangemasters and shall provide firearms and other defensive weapons training. A Rangemaster and his/her assistants shall open the Departmental shooting range and qualify reserve officers on a regular basis.

200.2.4.56 DRESS STANDARDS

All uniforms and equipment shall be maintained in a clean and serviceable condition and shall be ready at all times for immediate use. The official police uniform shall not be worn except on official duty, details and assignments. For officer safety reasons, the uniform, including the shoulder patches and badge, shall be covered while traveling to and from the Station before and after a shift. If representing the Department in civilian clothes,the reserve officer shall wear appropriate business attire.

200.2.4.57 CLASS A UNIFORM

Reserve officers shall maintain a long-sleeve uniform shirt to be worn for ceremonial occasions such as honor guards and funerals. It shall be worn with a necktie and white metal, brushed finish tie bar worn in line with the lower edge of the pocket flap. White gloves and black band on

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the badge may also be used when appropriate. Service stripes may be worn. Neckties are only required for ceremonial or formal occasions and need not be worn in any other on-duty capacity.

200.2.4.58 CLASS B UNIFORM

The Class B uniform shirt is short sleeve and worn without a necktie or hat. Reserve officers shall purchase their own uniforms, belt and leather (or nylon) gear and duty weapon in accordance with the current uniform policy of the Department.

200.2.4.59 CLASS C UNIFORM

Class C uniforms consisting of authorized black police T-shirts or BDUs are permitted for on-duty assignments and training as preauthorized by a supervisor or designated as the uniform of the day .

200.2.4.60 FLAT BADGES

Following appointment to the Department, reserve officers may request a flat badge. This request must be approved by the Reserve Staff and the Chief of Police. Reserve officers pay for their own flat badge which remains the property of the City and must be surrendered if directed. If ordered to surrender the flat badge, the reserve officer will not be reimbursed for the purchase.

200.2.4.61 IDENTIFICATION CARD

Identification Cards shall be carried by all reserve officers. The format for the Identification Card shall be as approved by the Chief of Police.

200.2.4.62 EQUIPMENT

The Department shall issue standard police equipment as shall be determined by the Department from time to time. Leather or nylon gear may be worn in compliance with Department directives.

200.2.4.63 NAME PLATE

The nameplate is brushed finish, white metal with last name only in black letters.

200.2.4.64 RANK INSIGNIA

All reserve officers with rank of Sergeant and above shall wear insignia of their rank only when attending reserve functions, training classes, assignments being performed solely by reserve personnel, or as directed by the Chief of Police.

200.2.4.65 SHOOTING BADGES

Range qualification badges for the various classifications may be issued to reserve officers when available. Such badges remain City property. Shooting badges are worn on the inside right side of the right pocket flap. Shooting badges earned during Academy training may be worn in lieu of San Fernando badges.

200.2.4.66 SHOULDER PATCHES

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Shoulder patches are official insignia and shall only be worn on official uniforms. Shoulder patches are not to be worn on uniform jackets. Patches shall be returned upon separation from the Department.

200.3 COMMAND PROTOCOL

200.3.1 UNITY OF COMMAND

The principles of unity of command 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., K-9, SRT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.2 ORDERS

Officers shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

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Special Orders

201.1 PURPOSE AND SCOPE

Special Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure consistent with the current Memorandum of Understanding and 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.

201.1.1 SPECIAL ORDER PROTOCOL

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

All existing Special Orders have now been incorporated in the updated Policy Manual as of the below revision date.

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, 09-01 signifies the first Special Order for the year 2009.

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Disaster Plan

202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan Manual for use by all employees in the event of a major disaster or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

202.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Operations Plan can be activated in a number of ways. For the Police Department, the Chief of Police or the highest ranking official on duty may activate the Emergency Operations Plan in response to a major emergency.

202.3 LOCATION OF MANUALS

The manual for the employees is available from the Office of the Chief of Police. All supervisors should familiarize themselves with the Emergency Operations Plan and what roles police personnel will play when the plan is implemented.

202.4 UPDATING OF MANUALS

The Chief of Police or designee shall review the Emergency Operations Plan Manual periodically to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

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Training Policy

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

203.2 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).

203.3 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

203.4 TRAINING PLAN

A training plan will be developed and maintained by the Chief of Police or his designee, who will maintain, review, and update the training plan on a regular basis.

203.5 TRAINING NEEDS ASSESSMENT

The Department will conduct periodic training-needs assessments of the Department. The needs assessments will be reviewed by command staff. Upon approval by the command staff, the needs assessment will form the basis for the training plan for the fiscal year.

203.6 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor and the Training Manager. As referenced here and otherwise assumed throughout unless specifically stated otherwise, the Training Manager is the employee designated as responsible for Professional Standards & Training, who is either an Officer or Sergeant.

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor and the Training Manager as soon as possible but no later than four hours prior to the start of training.

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2. Document his/her absence in a memorandum to his/her supervisor and the Training Manager.
3. Make arrangements through the Training Manager to attend the required training on an alternate date.

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Electronic Mail

204.1 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 provided that occasional personal use is permitted subject to the requirements of this policy.

204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

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.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

204.3 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 of Police or a Division Commander. 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.

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204.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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Administrative Communications

205.1 PURPOSE AND SCOPE

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

205.2 DEPARTMENT E-MAIL

Personnel orders in the form of Department E-mail may be issued periodically by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

205.3 CORRESPONDENCE

In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead.

205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

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Staffing Levels

206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision 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. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

206.2 MINIMUM STAFFING LEVELS

Minimum patrol shift staffing levels should result in the scheduling of at least three officers and one Sergeant on duty whenever possible.

206.2.1 SUPERVISION DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances, a Field Training Officer may be used as a field supervisor in place of a field sergeant.

With prior authorization from the Patrol Division Commander, an officer may act as the Watch Commander for a limited period of time.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides 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, every employee of this Department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any use of force that creates a substantial risk of causing death or serious bodily injury, including but not limited to the discharge of a firearm (Penal Code § 835a).

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286(a)).

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Serious bodily injury - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

Totality of the circumstances - All facts known to the officer at the time, including the conduct of the officer and the subject leading up to the use of force (Penal Code § 835a).

300.2 POLICY

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 interactions and, when warranted, may use reasonable force in carrying out their duties.

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

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE
Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede to prevent the use of unreasonable force.

When observing force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286(b)).

300.2.2 FAIR AND UNBIASED USE OF FORCE
Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

300.2.3 DUTY TO REPORT EXCESSIVE FORCE
Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall promptly report these observations to a supervisor as soon as feasible (Government Code § 7286(b)).

300.3 USE OF FORCE
Officers shall use only that amount of force that reasonably appears necessary given the facts and totality of the circumstances known to or perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose (Penal Code § 835a).

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance (Government Code § 7286(b)).

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the approved tools, weapons, or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any peace officer may use objectively reasonable force to effect an 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 on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit (Government Code § 7286(b)). These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the officer.

(m) Potential for injury to officers, suspects, bystanders, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

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(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed Department-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD

The carotid control is not an authorized restraint technique and may not be used under any circumstances.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the San Fernando Police Department or other department-approved training program for arrest and control tactics for this specific purpose.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

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(a) Summoning additional resources that are able to respond in a reasonably timely manner.

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

(c) Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)(1)). Such alternatives may include but are not limited to:

(a) Attempts to de-escalate a situation.

(b) If reasonably available, the use of crisis intervention techniques by properly trained personnel.

300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code 835a(5)(c)(1)(B)).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

Officers shall not use deadly force against a person based on the danger that person poses to him/herself, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a).

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury

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to the officer or another person. An officer's subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).

300.4.1 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should carefully evaluate each tactical situation and use sound discretion when drawing a firearm in public by considering the following guidelines (Government Code § 7286(b)):

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such imminent threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

300.5 REPORTING THE USE OF FORCE

Any use of force by an officer of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a Taser or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) Bodily force or control technique used to gain compliance including but not limited to applying handcuffs, hobble or any other restraints.

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(j) Despite such technique being an unauthorized restraint technique, carotid hold attempted or applied.

(k) Chemical agent used.

(l) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records policy (Policy 803).

300.6 MEDICAL CONSIDERATION

Once it is reasonably safe to do so, properly trained officers should promptly provide or procure medical assistance for any person injured or claiming to have been injured in a use of force incident (Government Code § 7286(b)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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 practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

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300.7 SUPERVISOR RESPONSIBILITY

A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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.

300.7.1 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy.

300.8 TRAINING

Officers, investigators, and supervisors will receive periodic training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

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Subject to available resources, the Training supervisor should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force.

Training should also include (Government Code § 7286(b)):

(a) Guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities.

(b) Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

300.9 USE OF FORCE ANALYSIS

At least annually, the Support Services Commander or other staff person as designated by the Chief of Police should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by officers.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

300.10 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

300.11 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

300.12 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

300.13 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer’s personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

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Deadly Force Review

301.1 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.

301.2 REVIEW BOARD

The San Fernando Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

The Use of Deadly Force Review Board will also investigate and review 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.

The Chief of Police may convene the Use of Deadly Force Review Board to investigate the circumstances surrounding any use of force incident.

301.2.1 COMPOSITION OF THE BOARD

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

- Command representative of each division
- Training Sergeant
- Non-administrative supervisor

The senior ranking member not of the same division of the involved employee will serve as chairperson.

The chairperson will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the division or unit commander of the involved employee(s) to notify the appropriate bureau commander of any incidents requiring board review. The division or unit commander will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

301.2.2 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 members may request further investigation, call persons to present information, and may request that the involved employee appear before the board. The involved employee 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 express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303).

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The review shall be based upon those facts which were reasonably believed by the officer at the time of the incident, applying legal requirements, department policy and procedures, and approved training to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor call into question an officer's decision regarding use of force.

If it appears that the actions of the employee 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 procedures.

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings of the board to the Chief of Police. After review by the Chief of Police, a copy of the findings will be forwarded to the involved employee's Division Commander 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 of Police.

Once the board has reached its specific finding, the Training Sergeant may convene a separate training committee to address training needs and to make recommendations for this department without specific reference to the facts of the incident considered by the board.

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Shooting Policy

302.1 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.

302.1.1 POLICY

It is the policy of this department to resort to the use of a firearm when it reasonably appears to be necessary as follows:

(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) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (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.

(e) For target practice at an approved range (or at any other range open to the public).

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Where feasible, a 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.

302.1.2 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.

302.1.3 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.

302.1.4 REPORT OF WEAPON DISCHARGE

Except during training or recreational use, any employee 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 employee shall file a written report with his/her Division Commander prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift. For clarity, once on-duty and after the off-duty incident, the officer must submit a written report detailing the incident either to the on-duty Watch Commander and/or the Patrol Division Commander.

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Handcuffing and Restraints

303.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

303.2 POLICY

The San Fernando Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and Department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

303.3 USE OF RESTRAINTS

Only employees who have successfully completed San Fernando Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- 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.

303.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

303.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized

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determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.

Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.

303.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer, or damage property.

303.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

303.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person's back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

303.4.1 MEDICAL CONSIDERATIONS

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been

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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 and a supervisor notified. 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.

303.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and so that the restrained person can breathe normally. Officers should provide assistance during the movement of a restrained person due to the potential for impairing or distorting that person's vision. Officers should avoid comingling those wearing spit hoods with other detainees.

Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated, including hair, head, and clothing, prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

303.5.1 TRANSPORTING RESTRAINED PERSONS

When transporting a person who has been restrained, officers shall observe the following procedures:

(a) Restrained suspects may be transported in a patrol unit. They should be seated in an upright position and secured by a seat belt. The long lead of the restraint should be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground.

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When the person cannot be transported in a seated position he/she should be taken by ambulance/paramedic unit.

(b) When taken by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.

(c) Officers shall inform the jail staff that a restraint device was used on the arrestee prior to arrival at the jail.

303.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, and other similar devices. Auxiliary restraint devices are intended for use during long-term restraint or transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort, and mobility.

Only Department-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

303.7 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest, or transportation. Only restraint devices approved by the Department shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

303.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

303.8 REQUIRED DOCUMENTATION

If a person is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints.

If a person is arrested, the use of handcuffs or other restraints shall be documented in the related report.

Officers should document the following information in reports, as appropriate, when restraints other than handcuffs are used on a person:

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person's behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

303.9 TRAINING

Subject to available resources, the Training supervisor should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

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(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

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Control Devices and Techniques

304.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices that are described in this policy.

304.1.1 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 circumstances.

304.1.2 REVIEW, INSPECTION AND APPROVAL

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

304.1.3 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 certified weapons or tactics instructor.

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

(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.

304.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the San Fernando Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

304.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Department or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device

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appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

304.4 RESPONSIBILITIES

304.4.1 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander may authorize the use of a control device by selected personnel or members of specialized units who have successfully completed the required training.

304.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Rangemaster or the designated instructor for a particular control device. The inspection shall be documented.

304.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. An officer's report documenting damage to City property shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

304.4.4 REPORT OF USE

All uses of chemical agents shall be documented in the related arrest/crime report and Use of Force report.

304.5 BATON GUIDELINES

The need to immediately control a 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 poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

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304.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Special Response Team Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

304.6.1 WATCH COMMANDER RESPONSIBILITIES

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

(a) The Watch Commander 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. The request for a control device should be made through the Watch Commander.

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

(c) The Watch Commander shall ensure training on the use of control devices is provided as needed.

304.6.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster shall control the inventory and shall issue all control devices. All damaged, inoperative and/or expended control devices shall be returned to the Rangemaster for disposition, repair or replacement.

304.6.3 MAINTENANCE RESPONSIBILITY

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

304.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

304.7.1 OC SPRAY

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

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304.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

304.7.3 TREATMENT FOR OC SPRAY EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of OC should be promptly provided with clean water to cleanse the affected areas. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

304.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

304.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

304.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The

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safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

304.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

304.9.3 SAFETY PROCEDURES

Shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

304.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant or other designee of the Chief of Police shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

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

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

304.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and Use of Force Report and reported pursuant to the Use of Force Policy.

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Conducted Energy Device

305.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of Tasers.

305.2 POLICY

The Taser™ is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

305.3 ISSUANCE AND CARRYING TASERS

Only officers who have successfully completed department-approved training may be issued and carry the Taser.

Tasers are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the Taser and cartridges that have been issued by the Department. Uniformed officers who have been issued the Taser shall wear the device in an approved holster on their person. Non-uniformed officers may secure the Taser in the driver's compartment of their vehicle.

Officers carrying the Taser should perform a spark test on the unit prior to every shift.

When carried while in uniform officers shall carry the Taser in a weak-side holster on the side opposite the duty weapon.

(a) All Tasers shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the Taser.

(c) Officers shall be responsible for ensuring that their issued Taser is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the Taser at the same time.

305.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the Taser should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

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

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the 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 his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the Taser in the related report.

305.5 USE OF THE TASER

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 device. Although the Taser is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

305.5.1 APPLICATION OF THE TASER

The Taser may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the Taser to apprehend an individual.

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the Taser on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

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(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

Because the application of the Taser in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The Taser shall not be used to psychologically torment, elicit statements or to punish any individual.

305.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the Taser probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

305.5.4 MULTIPLE APPLICATIONS OF THE TASER

Officers should apply the Taser for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the Taser against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the Taser appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the Taser, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one Taser at a time against a single subject.

305.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all Taser discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject’s skin.

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305.5.6 DANGEROUS ANIMALS

The Taser may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

305.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department Tasers while off-duty.

Officers shall ensure that Tasers are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

305.6 DOCUMENTATION

Officers shall document all Taser discharges in the related arrest/crime or incident report and a Use of Force report shall be completed by their immediate supervisor. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

305.6.1 REPORT FORM

Items that shall be included in the Incident Report and Use of Force report form are:

(a) The type and brand of Taser and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of Taser activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.

(e) The range at which the Taser was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The Support Services Commander should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training supervisor should also conduct audits of data downloads and reconcile Taser report forms with recorded activations. Taser information and statistics, with identifying information removed, should periodically be made available to the public.

305.6.2 REPORTS

The officer should include the following in the arrest/crime report and Use of Force Report:

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(a) Identification of all personnel firing Tasers

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

305.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove Taser probes from a person's body. Used Taser probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by Taser probes or who have been subjected to the electric discharge of the device shall be medically assessed 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 probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated 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 providing medical care or receiving custody that the individual has been subjected to the application of the Taser.

305.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the Taser may be used. A supervisor should respond to all incidents where the Taser was activated.

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A supervisor should review each incident where a person has been exposed to an activation of the Taser. The device's onboard memory should be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report and Use of Force report. Photographs of probe sites should be taken and witnesses interviewed.

305.9 TRAINING

Personnel who are authorized to carry the Taser shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the Taser as a part of their assignment for a period of one year or more shall be recertified by a department-approved Taser instructor prior to again carrying or using the device.

Proficiency training for personnel who have been issued Tasers should occur every year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Training supervisor or Rangemaster. All training and proficiency for Tasers will be documented in the officer's training file.

Command staff, supervisors and investigators should receive Taser training as appropriate for the investigations they conduct and review.

Officers who do not carry Tasers should receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The Training supervisor is responsible for ensuring that all officers who carry Tasers have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of Tasers during training could result in injury to personnel and should not be mandatory for certification.

The Training supervisor should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the Taser and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the Taser.

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Officer-Involved Shootings and Deaths

306.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

306.2 POLICY

The policy of the San Fernando Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

306.3 TYPES OF INVESTIGATIONS

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

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

306.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

306.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the San Fernando Police Department would control the investigation if the suspect's crime occurred in San Fernando.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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306.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

306.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION
Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

306.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

306.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting, the first uninvolved San Fernando Police Department officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

306.5.2 WATCH COMMANDER RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

306.5.3 NOTIFICATIONS
The following person(s) shall be notified as soon as practicable:

- Chief of Police
- Detective Division Commander
- Los Angeles County District Attorney Officer Involved Shooting Response team rollout team
- Los Angeles County Sheriff's Department Homicide Unit

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- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Press Information Officer

306.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved SFPD supervisor should ensure completion of the duties as outlined above and take the following actions:

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any SFPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional SFPD officers until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

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

(b) When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon as soon as feasible and transported by other officers.

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306.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

1. Involved SFPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-SFPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.

(c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed psychotherapist shall be provided by the Department to each involved SFPD officer. A licensed psychotherapist may also be provided to any other affected SFPD employees, upon request.

(a) Interviews with a licensed psychotherapist will be considered privileged.

(b) An interview or session with a licensed psychotherapist may take place prior to the employee providing a formal interview or report. However, involved employees 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.

(c) A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

Each involved SFPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

306.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

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Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) SFPD supervisors and the Internal Affairs investigator or assigned investigator should not participate directly in any voluntary interview of SFPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics 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 (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

306.6.1 REPORTS BY INVOLVED SFPD OFFICERS

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

While the involved SFPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all 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 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 SFPD 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 or death.

306.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take

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reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect’s known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

306.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the Detective Division Commander to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and the Los Angeles County Sheriff's Department Homicide Unit and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office or the Los Angeles County Sheriff's Department Homicide Unit.

All related department reports, except administrative and/or privileged reports, will be forwarded to the Detective Commander for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Chief of Police or his/her designee.

306.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, the Department will conduct an internal administrative investigation of SFPD officers to determine compliance with department policy. The investigation will be conducted under the supervision of the Chief of Police or his/her designee and will be considered a confidential officer personnel file.

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Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

(a) Any officer involved in a shooting or death may be requested or 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/her prior statement before proceeding with any subsequent interviews.

(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. 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 (Government Code § 3303(i)).

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

    4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

    5. The Department investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

    6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

    7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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306.8 CIVIL LIABILITY RESPONSE

An officer of the Department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

306.9 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death should be permitted to review available Mobile Audio/ Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or District Attorney's Office, as appropriate.

306.10 DEBRIEFING

Following an officer-involved shooting or death, the San Fernando Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

306.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Support Services Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., [dispatchers, other civilian personnel]). Family or other support personnel may attend with the concurrence of those involved in the incident and approval of the Division Commander. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Department investigating personnel.

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306.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

306.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation with approval of the Chief of Police or his/her designee. Releases will be available to the Watch Commander, Detective Division Commander and Press Information Officer in the event of inquiries from the media.

The Department shall not subject any involved SFPD officer to visits by the media (Government Code § 3303(e)). No involved SFPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

306.12 REPORTING

If the death of an individual occurs in the San Fernando Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Patrol Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).

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Firearms

307.1 PURPOSE AND SCOPE

This policy provides guidelines for issuing firearms, the safe and legal carrying of firearms, firearms maintenance and firearms training.

This policy does not apply to issues related to the use of firearms that are addressed in the Use of Force or Officer-Involved Shootings and Deaths policies.

This policy only applies to those officers who are authorized to carry firearms.

307.2 POLICY

The San Fernando Police Department will equip its officers with firearms to address the risks posed to the public and department personnel by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

307.3 EQUIPMENT

Firearms carried on duty shall be maintained in a clean and 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.

307.3.1 REPAIRS OR MODIFICATIONS

Each employee shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for Department use and used for duty, as authorized by the Chief of Police,may be repaired or modified only by a person who is Department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

Any repairs or modifications to the employee's personally owned firearm shall be done at his/her expense and if used for duty must be approved by the Rangemaster.

307.3.2 HOLSTERS

Only department-approved holsters shall be used and worn by officers. Officers shall periodically inspect their holsters to make sure they are serviceable and provide the proper security and retention of the handgun.

307.3.3 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty after they have been examined and/or approved by the Rangemaster. Once the approved tactical lights have been properly

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installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

307.3.4 OPTICS OR LASER SIGHTS

Optics or laser sights may only be installed on a firearm carried on-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the officer shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, an officer may only sight in on a target when the officer would otherwise be justified in pointing a firearm at the target.

307.4 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Officers shall only use firearms that are issued or approved by the Chief, or his or her designee, and have been thoroughly inspected by the Rangemaster or his or her designee. Except in an emergency or as directed by a supervisor, no firearm shall be carried on-duty by an officer who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including, but not limited to, edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by officers in the performance of their official duties without the authorization by the Chief of Police or his/her designee. This exclusion does not apply to the carrying of folding pocketknives that are not otherwise prohibited by law.

307.4.1 HANDGUNS

The following issued weapon is approved for on-duty use:

MAKE MODEL CALIBER

Glock21 and 21SF .45

Personally-owned semi-auto weapons are only approved for on-duty use provided they meet the following criteria (9mm, 40 cal & 45 cal):

a) Glock;

b) Heckler & Koch P9 and USP series;

c) Beretta 92F series;

d) Smith & Wesson;

e) Sig Sauer P series (with the exception of P230 and variants and P210); and

f) 1911 models: Colt, SIG Sauer, Kimber, Smith & Wesson and others as approved by the Chief of Police.

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307.4.2 SHOTGUNS

The authorized department-issued shotgun is the Remington 870.

When not deployed, the shotgun shall be properly secured consistent with Department training in a locking weapons rack in the patrol vehicle.

307.4.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 A3 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 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 fire on a barricaded person or a person with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with Department training in a locking weapons rack in the patrol vehicle or other department vehicle with a department provided rifle rack.

307.4.4 PERSONALLY OWNED DUTY FIREARMS

Officers desiring to carry authorized, personally owned duty firearms must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, officers shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

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307.4.5 AUTHORIZED SECONDARY HANDGUN

Officers desiring to carry a secondary handgun are subject to the following restrictions:

(a) The handgun shall be of good quality and workmanship (i.e., Glock, Heckler & Koch, Colt, Smith & Wesson, SIG Sauer, etc.);

(b) Only one secondary handgun may be carried at a time;

(c) The purchase of the handgun and ammunition shall be the responsibility of the officer;

(d) The handgun shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control;

(e) It will be the responsibility of the officer to submit the handgun to the Rangemaster for inspection prior to being carried on duty. The Rangemaster shall assure that the officer is proficient in handling and firing that handgun and it will be carried in a safe manner. The officer will successfully qualify with the handgun prior to it being carried and thereafter at least once every 12 months.

(f) The handgun shall be subject to inspection whenever deemed necessary;

(g) Ammunition shall be the same as Department issue. If the caliber of the handgun is other than Department issue, the Chief of Police or his/her designee shall approve ammunition;

(h) Personnel shall qualify with the secondary handgun under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the handgun;

(i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second handgun to the Rangemaster and the Office of the Chief of Police.

307.4.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by officers while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Officers who choose to carry a firearm while off-duty, based on their status as peace officers will be required to meet the following guidelines:

(a) The officer may use his/her duty firearm or may use a personally owned firearm that is carried and inspected in accordance with the Personally Owned Duty Firearms requirements in this policy. An officer carrying his/her duty firearm will be deemed to have complied with (c), (d) and (e) of this section.

    (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the officer.

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

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(d) Prior to carrying any off-duty firearm, the officer shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The officer will successfully qualify with the firearm prior to it being carried.

(f) Officers shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

(g) If an officer desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Officers shall only carry Department-authorized ammunition.

(i) When armed, officers shall carry their badges and San Fernando Police Department identification cards under circumstances requiring possession of such identification.

307.4.7 AMMUNITION
Officers shall carry only department-authorized ammunition.

307.5 SAFE HANDLING, INSPECTION AND STORAGE

Officers shall maintain the highest level of safety when handling firearms and shall consider the following:

(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 Rangemaster. Officers shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.

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

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) 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 an arrestee, but shall place all firearms in a secured location. Employees providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Officers shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by an officer to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is

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the officer's's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is serviceable.

307.5.1 STORAGE AT HOME

Officers shall ensure that, with respect to the storage of firearms and ammunition, such firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control, and always in a manner that will keep them inaccessible to children and others who should not have access.Officers shall not permit Department-issued firearms to be handled by anyone not authorized by the Department to do so.Officers should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

307.5.2 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer who is under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

307.5.3 STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

Officers are exempt from these requirements during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

307.6 FIREARMS TRAINING AND QUALIFICATIONS

All sworn personnel are required to qualify with their duty weapon on an approved range course. The Rangemaster shall keep accurate records of quarterly qualifications, repairs, maintenance, and training. In addition to regular qualification schedules, the Rangemaster may conduct such other training, for example, practical training designed to simulate field situations, at such times as the Rangemaster may determine are necessary or appropriate.

307.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall complete a report to the Rangemaster prior to the end of the required shooting period.

Officers who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Officers who fail to qualify by their second shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

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(a) Additional range assignments may be required until consistent weapon proficiency is demonstrated;

(b) Officers shall be given credit for a range qualification after remedial training and a qualifying score is obtained;

(c) No range credit will be given for the following: (a) Unauthorized range make-up, or (b) Failure to qualify after remedial training.

307.7 FIREARM DISCHARGE

Except during training or recreational use, any officer who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and Deaths Policy. If a firearm was discharged as a use of force, the involved officer shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

In all other cases, written reports shall be made as follows:

(a) If on-duty at the time of the incident, the officer shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report shall be submitted or recorded statement provided no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

307.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, officers should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, Taser™, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

307.7.2 INJURED ANIMALS

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate

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veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

307.7.3 WARNING AND OTHER SHOTS
Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer(s) reasonably believes that they appear necessary, effective and reasonably safe.

307.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster who will program the range control equipment with each monthly course. All officers attending will follow the directions of the Rangemaster or supervisor. The Rangemaster will maintain a roster of all officers attending the range, and will submit a copy of the roster to the Division Commander after each range date.

The range shall remain operational and accessible to the officers during hours established by the Department.

The Rangemaster has the responsibility of making periodic inspection, at least once a year of all duty firearms carried by officers of this Department to determine the proper operation. The Rangemaster has the authority to deem any Department-issued or privately owned firearm unfit for service. The officer will be responsible for all repairs to their personal firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster should keep accurate records of all training, qualifications, repairs, maintenance or other records as determined by the Chief of Police or his/her designee.

307.9 LAW ENFORCEMENT OFFICERS SAFETY ACT - 18 U.S. CODE 926B AND 926C

I. PURPOSE

The Law Enforcement Officers Safety Act (“LEOSA”) became Federal law on July 22, 2004. Originally introduced as House Resolution 218 (H.R. 218) and codified within the provisions of The Gun Control Act of 1968 as Chapter 44, Title 18 of the United States Code, §§ 926B and 926C, LEOSA defines two classes of law enforcement officers: currently appointed officers and separated officers. LEOSA exempts these persons from the concealed firearms carry laws of the 50 States (including the District of Columbia, Puerto Rico and U.S. Possessions), as well as the political subdivisions thereof, provided they meet LEOSA’s requirements and subject to certain exceptions. The text of LEOSA as currently in effect is reproduced in its entirety at 926B and 926C.

It is the policy of the San Fernando Police Department to enhance the personal protection of current and former San Fernando Police Department law enforcement officers when off-duty or following separation from service consistent with Federal law. As such, the San Fernando Police Department, in accordance with this Policy, shall (1) comply with LEOSA, (2) implement certain procedures in conformity with LEOSA, and (3) permit currently appointed and separated regular and reserve San Fernando Police Department law enforcement officers to carry a firearm in accordance with LEOSA and the following conditions and provisions.

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As used in this Policy, the term “San Fernando Police Department police officer” or “San Fernando Police Department law enforcement officer,” refers to both a regular and a reserve San Fernando Police Department police officer, interchangeably.

II. DEFINITIONS

The following definitions conform to terms as used in LEOSA:

A. Qualified Law Enforcement Officer: A sworn and currently appointed San Fernando Police Department regular or reserve law enforcement officer who:

1. Is authorized by law when on-duty to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law;

2. Has statutory powers of arrest on-duty;

3. Is authorized by the San Fernando Police Department to carry a firearm on-duty;

4. Is not the subject of any disciplinary action by the San Fernando Police Department which could result in the suspension or loss of police powers;

5. Meets the standards established by the San Fernando Police Department which require the officer to regularly qualify in the use of a firearm;

6. At the time of carrying a concealed firearm pursuant to the LEOSA exemption, is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;

7. Is not prohibited by law from possessing a firearm; and

8. At the time of carrying a concealed firearm under LEOSA, possesses the officer’s San Fernando Police Department photographic identification card.

B. Qualified Retired Law Enforcement Officer (“QRLEO”): A separated San Fernando Police Departmentlaw enforcement officer who:

1. Separated from service “in good standing” (as described in subsection II.B.6. below);

2. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more (including time served as a law enforcement officer with another agency), or separated due to a service-connected disability (as determined by the San Fernando Police Department) after completing any applicable probationary period;

3. Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

4. At the time of carrying a concealed firearm pursuant to the LEOSA exemption, is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;

5. Is not prohibited by law from possessing a firearm;

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6. Is a separated officer who at the time of separation was in “good standing” as follows: (a) met the San Fernando Police Department’s standards for separating “in good standing;” (b) the separated officer was not the subject of discipline, pending discipline or an internal, administrative or criminal investigation which resulted in, or reasonably could be anticipated to have resulted in, the suspension or loss of police powers; (c) the separated officer was not separated from service due to a finding by a qualified medical professional employed by the San Fernando Police Department that the separated officer was unqualified to be a law enforcement officer for reasons related to the separated officer’s mental health, and (d) at the time of separation, the separated officer had not entered into (or subsequently did not enter into) an agreement with the San Fernando Police Department in which that individual acknowledges he or she is not qualified under LEOSA for reasons relating to mental health;

7. During the most recent 12-month period has met the standards for qualification in firearms training for active duty law enforcement officers as determined by the San Fernando Police Department, the State in which the separated officer resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State; and

8. At the time of carrying a concealed firearm under LEOSA possesses the separated officer’s San Fernando Police Department photographic identification card issued to such officer upon or after separation together with proof of firearms qualification as required by Section II.B.7. above.

III. DETERMINATION OF LEOSA ELIGIBILITY

A. With respect to currently appointed San Fernando Police Department police officers, LEOSA eligibility depends in part upon certain factual criteria having been satisfied at the time the officer carries a concealed firearm off-duty pursuant to LEOSA (including, by way of example and not limitation, the requirements of Sections II.A.3., 4., and 5. above). For purposes of determining LEOSA eligibility, an officer shall be in compliance with the firearm qualification requirements set forth in II. A. 5 above if such officer has qualified with his/her duty firearm consistent with the Department's qualification schedule or as otherwise determined by the Department Rangemaster.An officer is responsible for ensuring such criteria are satisfied before relying on the LEOSA exemption to carry a concealed firearm. The San Fernando Police Department photographic identification cards for active duty officers who are LEOSA-eligible shall have a reference to LEOSA-eligibility denoted thereon.

B. Upon separation or anytime thereafter, a QRLEO may submit a request to the Chief of Police for a photographic identification card as required to claim LEOSA eligibility. The Chief of Police will determine the eligibility of any separated officer submitting such request. It shall be the policy of the San Fernando Police Department to issue photographic ID cards conforming to LEOSA to San Fernando Police Department QRLEO’s who are eligible under LEOSA. The issuance of such card remains subject to the discretion of the Chief of Police and nothing contained in this Policy shall obligate the San Fernando Police Department to issue such card.

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C. Agency staff shall confirm that the applicant is not prohibited by law from possessing a firearm including, without limitation, by a search of the National Crime Information Center (NCIC) database and any other background investigation as shall be necessary as determined by the San Fernando Police Department in its discretion.

IV. FIREARMS QUALIFICATION PROCEDURES - QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS

1. A QRLEO may obtain the LEOSA-required firearms qualification privately from an instructor meeting the requirements set forth in Section II.B.7. above.

2. The San Fernando Police Department may conduct firearms qualifications for San Fernando Police Department QRLEO's (or other QRLEO's in its discretion) from time to time in conformity with the requirements of LEOSA. Any eligible QRLEO requesting such firearms qualification shall notify the San Fernando Police Department of such request and the San Fernando Police Department shall notify such QRLEO if and when such firearms qualification will be conducted.

3. Upon determination that a QRLEO is eligible under LEOSA, before qualifying on the San Fernando Police Department firearms range, such QRLEO shall read and sign a waiver of liability in form and substance acceptable to the San Fernando Police Department. Such waiver will contain provisions by which QRLEO's shall acknowledge their personal liability as private persons for all acts taken when carrying a concealed firearm as permitted by LEOSA. Such waiver shall also release the San Fernando Police Department from any claim or action at law in connection with such firearms qualification.

4. QRLEO's shall provide their own ammunition when qualifying. Handguns are subject to inspection and approval by members of the San Fernando Police Department firearms range staff.

5. The course of fire for firearms qualification shall be determined by the San Fernando Police Department range staff in its sole discretion. Such course of fire may, but is not required to be, the same course of fire conducted for currently appointed San Fernando Police Department police officers.

6. QRLEO's must qualify with the same type of firearm (revolver or semi-automatic) in order to carry that type of firearm under LEOSA. Upon successful completion of firearms qualification testing, the San Fernando Police Department will issue to the QRLEO written proof of qualification, which must be carried by a QRLEO in order to claim the LEOSA exemption.

7. Failure by a QRLEO to satisfy the firearms qualification requirement of LEOSA within the most recent 12-month period at the time of carrying a concealed firearm under LEOSA results in the ineligibility of such QRLEO to carry a concealed firearm under LEOSA. If a QRLEO fails to satisfy the firearms qualification requirement of LEOSA, the QRLEO shall not carry a concealed firearm under the purported authority of LEOSA, nor display his or her photographic ID for such purpose.

V. LEOSA RESTRICTIONS

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LEOSA is a pre-emptive Federal law which operates to supersede the concealed firearm carry laws of the 50 States (or any political subdivision thereof). LEOSA by its terms does not permit or authorize an individual to:

1. carry a machine gun, firearm silencer, or other destructive device;

2. carry a firearm in violation of any State law which permits private persons or entities to prohibit or restrict the possession of concealed firearms on their property or prohibits or restricts the possession of firearms on any State or local government property, installation, building, base, or park;

3. carry a firearm in violation of the Gun Free School Zone Act (18 U.S. Code 922(q)) or similar State law. [NOTE: LEOSA only supersedes State and local government laws concerning the carrying of a concealed firearm. Federal laws governing the carrying of concealed firearms are not superseded by LEOSA. As such, Federal laws governing the carrying of concealed firearms on Federal government property (for example, Federal courthouses, buildings, the U.S. Post Office and other Federal government property, whether owned or leased) are not superseded by LEOSA, nor is the carrying of a firearm onto aircraft permitted (unless in an on-duty capacity in compliance with “Flying Armed” federal regulations, Title 49 CFR Section 1544.219). Certain portions of airports are also prohibited unless permitted by Federal or State law.];

4. carry a firearm which may violate State or local government magazine capacity laws. [NOTE: LEOSA governs the carrying of concealed firearms and does not address magazine capacity; as of the date of this Policy there is no authority which provides that LEOSA supersedes the magazine capacity laws of the jurisdiction in which the individual may be located when carrying a concealed firearm.]; or

5. take off-duty action in the capacity of a law enforcement officer. [NOTE: LEOSA does not itself confer law enforcement authority on a San Fernando Police Department police officer or any other law enforcement officer either within or outside the State of California. Any action taken by an off-duty San Fernando Police Department law enforcement officer outside California is done so as a private person (unless such officer is outside California on official Department business and the jurisdiction in which such officer is located recognizes the law enforcement authority of such officer). Any off-duty law enforcement action taken within California depends upon the peace officer authority of such officer as defined in the California Penal Code and not by reference to LEOSA.]

LEOSA does not apply if at the time of carrying a concealed firearm in reliance on the LEOSA exemption the individual is under the influence of alcohol or another intoxicating or hallucinatory drug or substance. The consumption of alcohol or the use of any such substance may invalidate the availability of LEOSA as an exemption from the concealed carry laws of the location in which the officer is carrying a firearm.

V. LEOSA INSURANCE

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A qualified retired law enforcement officer or QRLEO carrying a firearm off-duty outside California under LEOSA (and in certain instances within California as noted above) does so in the legal capacity of a private person. Any incident involving the use of a firearm by such person may result in personal liability, the costs of which may be significant. Because such actions are outside the scope of employment, the San Fernando Police Department does not bear liability for the actions of any person relying on LEOSA to carry a firearm. San Fernando Police Department police officers and QRLEO's are strongly urged to consider the purchase of insurance to cover or defray such costs.

VII. DISCLAIMER OF LIABILITY

This Policy does not constitute legal advice. Each person carrying a firearm under LEOSA does so after personally determining such person's eligibility under LEOSA. LEOSA provides an affirmative defense to the person claiming an exemption under it. LEOSA is not a government-issued license or permit. Any person claiming the LEOSA exemption has the burden to prove that he or she qualifies for the exemption. Any person carrying a firearm under LEOSA is strongly advised to be familiar with LEOSA and, if desired, seek legal advice before carrying a firearm under LEOSA. The San Fernando Police Department expressly disclaims all liability with respect to any information contained herein.

307.10 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 officers 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, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their San Fernando Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The San Fernando Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the San Fernando Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

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

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(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 should be accomplished by early check-in at the carrier's check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times unless necessary for law enforcement action. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

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

307.11 LARGE-CAPACITY MAGAZINES

California Penal Code Section 32405 provides an exemption for peace officers from the prohibition on the sale to, lending to, transfer to, purchase by, receipt of, importation into California of, a large-capacity magazine as set forth in California Penal Code Section 32310. San Fernando Police Department officers are authorized by this Department to carry firearms with large-capacity magazines both on-duty and off-duty.Certain municipalities and other local government entities in the State of California have enacted prohibitions on the possession of large-capacity magazines with an exception for peace officers (qualified in some instances by the requirement that the peace officer who is carrying a firearm with a large-capacity magazine must do so "within the scope of his or her duties" in order to be eligible for such exception).It is the policy of the San Fernando Police Department that any San Fernando Police Department officer who is carrying a firearm with, or otherwise possesses, a large-capacity magazine is authorized to possess and carry the large-capacity magazine, and is considered by this policy to be doing so, within the scope of such officer's duties both on-duty and off-duty.

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Retiree Concealed Firearms

308.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of San Fernando Police Department retirement identification cards bearing a CCW endorsement under California law (Penal Code § 25455 and related sections).

308.2 POLICY

It is the policy of the San Fernando Police Department to provide identification cards to qualified former or retired full-time and reserve officers as provided in this policy.

308.3 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn officer of this Department and any Level I reserve officer who meets the requirements for the issuance of retirement credentials who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455 and related sections). The Chief of Police, in his/her discretion, may issue such identification card to any Level II or Level III reserve officer meeting the requirements for the issuance of retirement credentials.

(a) For the purpose of this policy, honorably retired includes all full-time peace officers who have qualified for, and accepted, a service or disability retirement (but not any officer who retires in lieu of termination), as well as any reserve peace officer who the Chief determines meets the Department's requirements for honorable retirement.

(b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

308.3.1 CALIFORNIA IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be 2 inches by 3 inches, and minimally contain (Penal Code § 25460):

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

(d) The name and address of this department.

(e) The words "CCW Approved" stamped thereon along with the date by which the endorsement must be renewed (5 years from issuance date per Penal Code § 25465). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

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308.3.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The San Fernando Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

(a) The retiree's previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree's complete personnel record or can verify the retiree's honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

308.3.3 QUALIFIED RETIRED RESERVES
Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

308.4 FORMER OFFICER RESPONSIBILITIES
A former officer with a card issued under this policy shall immediately notify the Chief of Police of his/her arrest or conviction in any jurisdiction, or that he/she is the subject of a court order, in accordance with the Reporting of Employee Convictions policy.

308.4.1 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall comply with Penal Code § 26305 as follows: A retired officer may have the privilege to carry a concealed and loaded firearm revoked or denied by violating any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency. An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement on the certificate may be immediately and temporarily revoked by the Department when the conduct of a retired officer compromises public safety. An identification certificate authorizing the officer to carry a concealed and loaded firearm or an endorsement may be permanently revoked or denied by the Department only upon a showing of good cause. Good cause shall be determined at a hearing, as specified in Penal Code § 26320.

308.5 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Chief of Police or the Patrol Division Commander when the conduct of a retired peace officer compromises public safety. Temporary suspension or revocation of a CCW endorsement must be communicated to the Chief of Police as soon as feasible.

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(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

(d) Employees who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Chief of Police or, if not available, the Watch Commander as soon as practicable. The Chief of Police or his/her designee should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

(a) Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

(b) The Department employee overseeing an investigation should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

(c) The personal and written notification should be as follows:

(a) The retiree's CCW endorsement is immediately and temporarily suspended.

(b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.

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(c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(d) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Chief of Police or his/her designee should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Chief of Police or his/her designee may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

308.6 FIREARM QUALIFICATIONS

The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

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License to Carry a Firearm

309.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a firearm to residents within the community (Penal Code § 26150; Penal Code § 26155). This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 26160, this policy shall be made accessible to the public.

309.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief or other head of a municipal police department from entering into an agreement with the Sheriff of the county or preclude the Sheriff of the county from entering into an agreement with the Chief of any municipal police department to process all applications and license renewals for the carrying of concealed weapons (Penal Code § 26150; Penal Code § 26155).

309.2 POLICY

The San Fernando Police Department will fairly and impartially consider all applications to carry firearms in accordance with applicable law and this policy.

309.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must meet certain requirements, including:

(a) Be a resident of the City of San Fernando (Penal Code § 26150; Penal Code § 26155).

(b) Be at least 21 years of age (Penal Code § 29610).

(c) Fully complete an application that will include substantial personal information. Much of the information in the application may be subject to public access under the Public Records Act.

(d) Be free from criminal convictions that would disqualify the applicant from carrying a firearm. Fingerprints will be required and a complete criminal background check will be conducted.

(e) Be of good moral character (Penal Code § 26150; Penal Code § 26155).

(f) Show good cause for the issuance of the license (Penal Code § 26150; Penal Code § 26155).

(g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.

(h) Provide proof of ownership or registration of any firearm to be licensed.

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

(j) Complete required training (Penal Code § 26165).

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309.3.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of perjury and pay all applicable costs of such application. It is against the law to knowingly make any false statements on such an application (Penal Code § 26180(a) and (b)).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
2. If an incomplete CCW Application package is received, the Chief of Police or authorized designee may do any of the following:
    (a) Require the applicant to complete the package before any further processing.
    (b) Advance the incomplete package to Phase Two for conditional processing pending completion of all mandatory conditions.
    (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a CCW Permit even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the Department of Justice for the required application fee along with a separate check made payable to the City of San Fernando for a nonrefundable 20 percent of the application fee to cover the cost of processing.

(a) The application fee does not include any additional fees required for fingerprinting, training or psychological testing.

(b) Full payment of the remainder of the application fee will be required upon issuance of a license.

(c) Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170(3)(b)).

(c) The applicant shall be required to submit to Live-Scan fingerprinting and a complete criminal background check by the Department of Justice. A second set of fingerprints may be required for retention in department files. Two recent passport size photos (two inches by two inches) of the applicant shall be submitted for department use. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code §§ 29800 or 29900 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.

(d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.

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(e) The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

Once the Chief of Police or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later (Penal Code § 26205).

309.3.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

(b) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.

(c) The Chief of Police may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine the applicant's suitability for carrying a concealed weapon. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. This testing is not intended to certify the applicant is psychologically fit to carry a weapon. It is instead intended to determine whether an applicant has any outward indications or history of psychological problems that might render him/her unfit to carry a concealed weapon. If it is determined that the applicant is not a suitable candidate for carrying a concealed weapon, the applicant shall be removed from further consideration.

(d) The applicant shall complete a 16 hour course of training approved by the agency minimally including firearms safety and the laws regarding the permissible use of a firearm.

(e) The applicant shall submit any weapon to be considered for a license to the Rangemaster or other departmentally authorized gunsmith for a full safety inspection. The Chief of Police reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.

(f) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department's

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Rangemaster or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a concealed weapon will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 26205).

309.4 APPLICATION PROCESS

The application process for a license to carry a firearm shall consist of two phases. Upon the successful completion of each phase, the applicant will advance to the next phase until the process is completed and the license is either issued or denied.

309.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination, at the applicant's expense not to exceed $300. This fee will be borne by the department for any reserve police officer.
2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
    (a) Require the applicant to complete the package before any further processing.
    (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
    (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of San Fernando for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

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1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
2. Full payment of the remainder of the application fee will be required upon issuance of a license.
3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (Penal Code § 26170).

(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in Department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for Department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be issued a license to carry a firearm. A license shall not be issued if the California DOJ determines that the applicant is prohibited by state or federal law from possessing, receiving, owning or purchasing a firearm (Penal Code § 26195).

(d) The applicant should submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

Once the Chief of Police or authorized designee has reviewed the completed application package and relevant background information, the application will either be advanced to phase two or denied.

In the event that an application is denied at the conclusion of, or during, phase one, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

309.4.2 PHASE TWO

This phase is to be completed only by those applicants successfully completing phase one.

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.
2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.
3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).

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(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

(c) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

(d) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other Department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the Department Rangemaster, or provide proof of successful completion of another Department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/ examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied.

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later. If the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

309.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

An individual who is not a resident of the county but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

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(a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of San Fernando (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

309.5.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:

1. Consuming any alcoholic beverage while armed
2. Falsely representing him or herself as a peace officer
3. Unjustified or unreasonable displaying of a weapon
4. Committing any crime
5. Being under the influence of any medication or drug while armed
6. Interfering with any law enforcement officer's duties
7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer

(b) The Chief of Police reserves the right to inspect any license or licensed weapon at any time.

(c) Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by the department's Rangemaster or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.

(d) The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

309.5.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to accomplish one or more of the following:

(a) Add or delete authority to carry a firearm listed on the license

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(b) Change restrictions or conditions previously placed on the license

(c) Change the address or other personal information of the licensee

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment(s). An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

309.5.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

(a) If the licensee has violated any of the restrictions or conditions placed upon the license

(b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon

(c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 29800 or 29900 or Welfare and Institutions Code §§ 8100 or 8103

(d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license

(e) If the licensee establishes residency outside the San Fernando

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 12053.

309.5.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Chief of Police for a renewal by completing the following:

(a) Verifying all information submitted in the original application under penalty of perjury

(b) Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm

(c) Submitting any weapon to be considered for a license renewal to the department's Rangemaster for a full safety inspection. The renewal applicant shall also successfully complete a firearms safety and proficiency examination with the weapon to be license renewal, to be administered by the Rangemaster, including completion of all releases and other forms

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(d) Payment of a non-refundable renewal application fee

Once the Chief of Police or authorized designee has verified the successful completion of renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code § 26205).

309.6 ISSUED FIREARMS LICENSES

In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:

(a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.
2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6, or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual’s conclusion of service as a reserve officer.

(d) If the licensee’s place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this Department in writing within 10 days of any change of place of residency.

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309.6.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
4. Committing any crime.
5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
8. Loading the permitted firearm with illegal ammunition.

(b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or making other modifications shall require the prior written approval of the Chief of Police, the failure of which to obtain may serve as grounds for revocation.

309.6.2 AMENDMENTS TO LICENSES

Any licensee may apply to amend a license at any time during the period of validity by completing and submitting a written Application for License Amendment along with the current processing fee to the Department in order to (Penal Code § 26215):

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

309.6.3 REVOCATION OF LICENSES

Any license issued pursuant to this policy may be immediately revoked by the Chief of Police for any of the following reasons:

(a) The licensee has violated any of the restrictions or conditions placed upon the license.

(b) The licensee becomes psychologically unsuitable to carry a firearm.

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(c) The licensee is determined to be within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100, Welfare and Institutions Code § 8103 or any state or federal law.

(d) The licensee engages in any conduct which involves a lack of good moral character or that might otherwise remove the good cause for the original issuance of the license.

(e) If the license is one to carry “loaded and exposed,” the license shall be revoked immediately upon a change of the licensee’s place of residence to another county (Penal Code § 26210).

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Department will immediately notify the licensee in writing and the California DOJ (Penal Code § 26225).

309.6.4 LICENSE RENEWAL

No later than 90 days prior to the expiration of any valid license to carry a firearm, the licensee may apply to the Chief of Police for a renewal by:

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Completing a Department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).

(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer’s specifications or that is unsafe (Penal Code § 31910).

(d) Paying a non-refundable renewal application fee.

Once the Chief of Police or authorized designee has verified the successful completion of the renewal process, the renewal of the license to carry a firearm will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant’s criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

309.7 DEPARTMENT REPORTING AND RECORDS

Pursuant to Penal Code § 26225, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the California DOJ:

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

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(d) The amendment of a license

(e) The revocation of a license

The Chief of Police shall annually submit to the State Attorney General the total number of licenses to carry firearms issued to reserve peace officers and judges.

309.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner or judge contained in an application shall not be considered public record (Government Code § 6254(u)(2)).

Any information in an application for a license to carry a firearm that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

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Vehicle Pursuits

310.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

310.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

Boxing-in - A tactic designed to stop a suspect's moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention - An attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

Pursuit Intervention Technique (PIT) - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

Ramming - The deliberate act of impacting a suspect's vehicle with another vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect's vehicle.

Tire deflation device - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Trail - Following 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 vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit

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

310.2 POLICY

It is the policy of this Department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

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310.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

310.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) 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.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the Dispatcher, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) If weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and officer vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

310.3.2 WHEN TO TERMINATE A PURSUIT

Pursuits should be terminated 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

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present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) The pursued vehicle's location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle's emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

310.3.3 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 should 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 should 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.

310.4 PURSUIT UNITS

When involved in a pursuit, unmarked police emergency vehicles should be replaced by marked emergency vehicles whenever practicable

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Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it reasonably appears that the number of officers involved may be insufficient to safely arrest the suspects. 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.

310.4.1 MOTORCYCLE OFFICERS

When involved in a pursuit, police motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

310.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

310.4.3 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 the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including license plate number, if known.

(c) The reason for the pursuit.

(d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.

(e) The suspected number of occupants and identity or description.

(f) The weather, road, and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

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310.4.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and has the following responsibilities:

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit as soon as reasonably practicable.

(b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(d) Identifying the need for additional resources or equipment as appropriate.

(e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

310.4.5 PURSUIT DRIVING

The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. 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 avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

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

1. Requesting assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the suspects.

(d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

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310.4.6 PURSUIT TRAILING

In the event the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

310.4.7 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once air support has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

Air support should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and air support determines that it is unsafe to continue the pursuit, air support has the authority to terminate the pursuit.

310.4.8 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.

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.

310.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this Department.

The Watch Commander of the officer initiating the pursuit will be responsible for:

(a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

(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 required number of units are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in the Watch Commander's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

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(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

(h) Ensuring notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Department.

(i) Controlling and managing San Fernando Police Department units when a pursuit enters another jurisdiction.

(j) Preparing a post-pursuit review and documentation of the pursuit.

(k) Supervisors should initiate follow up or additional review when appropriate.

310.5.1 WATCH COMMANDER RESPONSIBILITIES

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

The Watch Commander shall review all pertinent reports for content and forward to the Division Commander.

310.6 COMMUNICATIONS CENTER

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this Department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

310.6.1 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring the Watch Commander is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Assigning an incident number and logging all pursuit activities.

310.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

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310.7 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 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 such jurisdiction is expected to assist.

310.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the San Fernando Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. 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.

310.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this Department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, a supervisor may authorize units from this Department to join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit.

When a request is made for this Department to assist or take over a pursuit that has entered the jurisdiction of San Fernando Police Department, the supervisor should consider:

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, the Watch Commander or a supervisor should review a request for assistance from another agency. The Watch Commander or supervisor, after considering 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 at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this Department may continue only until sufficient assistance is present.

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In the event that a pursuit from another agency terminates within this jurisdiction, officers should 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 reasonable assistance requested or needed.

310.8 AUTHORIZED PURSUIT INTERVENTION

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/ supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

310.8.1 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).

310.8.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Officers should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Blocking should only be used after giving consideration to the following:

1. The technique should only be used by officers who have received training in the technique.
2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) The PIT is not authorized.

(c) Ramming a fleeing vehicle should only be done after giving consideration to the following:

1. Supervisory approval should be obtained before using the technique.
2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will terminate or prevent the pursuit.

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4. Ramming may be used only under circumstances when deadly force would be authorized and when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

(d) Boxing a suspect vehicle is not authorized.

(e) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

(f) Roadblocks should only be used after considering the following:

1. Roadblocks should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.
5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

310.8.3 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 accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

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310.9 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

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

(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is completed and the Records Supervisor will then ensure that the CHP 187A form is forwarded to the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

(c) After first obtaining the available information, the Watch Commander shall promptly complete the Watch Commander's Log or interoffice memorandum, briefly summarizing the pursuit to the Chief of Police or the authorized designee. This log or memorandum should include, at a minimum:

1. Date and time of pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved units and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Any use of force that occurred during the vehicle pursuit.
    (a) Any use of force by an officer should be documented in the appropriate report (See the Use of Force Policy).
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at scene or who handled the incident.

(d) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

310.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Sergeant shall make available to all officers initial and supplementary Peace Officer Standards and Training training on pursuits required by Penal Code § 13519.8, and no less than annual training addressing:

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(b) The importance of vehicle safety and protecting the public.

(c) 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)).

310.9.2 POLICY REVIEW

Officers of this Department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member's training file.

310.10 APPLICATION OF VEHICLE PURSUIT POLICY

This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.

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Officer Response to Calls

311.1 PURPOSE AND SCOPE

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

311.2 RESPONSE TO CALLS

Officers dispatched "Code-3" 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.

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. In such instances where an officer self-initiates a Code 3 response, the officer should notify communications immediately and shall terminate such response if notified by the Watch Commander or another supervisor. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

311.3 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 the 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

311.3.1 NUMBER OF UNITS ASSIGNED

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander, dispatcher or the field supervisor authorizes an additional unit(s).

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311.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

311.5 RESPONSIBILITIES OF RESPONDING OFFICERS

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 Code-3 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 the Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

311.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor prior to assigning units Code-3 . The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Watch Commander

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

311.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated

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(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 Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

311.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

312.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

312.2 POLICY

It is the policy of the San Fernando Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

312.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Patrol Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

312.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Chief of Police or the authorized designee.

The responsibilities of the coordinator include, but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel and trainers.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

312.5 REQUESTS FOR CANINE TEAMS

Officers are encouraged to request the use of a canine. All requests must be submitted to the officer's immediate supervisor.

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312.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority, to decline a request for deployment that he/she deems is not within policy.

(c) Calling out off-duty Department canine teams is encouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports as directed.

312.5.2 PUBLIC DEMONSTRATION

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

312.6 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine

Absent a reasonable belief that a suspect has committed, is committing or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should

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be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect and/or recall to the handler.

312.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved officers to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

Unless otherwise directed by a supervisor, assisting officers should take direction from the handler in order to minimize interference with the canine.

312.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender. If feasible, other officers should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the

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handler shall document in any related report how the warning was given and, if none was given, the reasons why.

312.6.3 REPORTING DEPLOYMENTS, APPREHENSIONS, AND INJURIES
Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in an apprehension or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended injury caused by a canine, whether on- or off-duty, shall be promptly reported to the Watch Commander and canine coordinator. Unintended injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current Department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

312.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply.

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting officers should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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312.7.1 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

312.7.2 NARCOTICS DETECTION
A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

312.7.3 BOMB/EXPLOSIVE DETECTION
Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

312.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) An officer who has been an officer with the San Fernando Police Department for at least four years.

(b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle

(d) Living within 60 minutes travel time from the San Fernando City limits.

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(e) Agreeing to be assigned to the position for a minimum of three years.

312.9 HANDLER RESPONSIBILITIES

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection, and living conditions.

The canine handler will be responsible for the following:

(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all Department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle may be stored at the San Fernando Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator, Chief of Police or Watch Commander.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

312.9.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

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(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

312.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

312.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all Department officers in order to familiarize them with how to conduct themselves in the presence of Department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

312.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the San Fernando Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

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312.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

312.11.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file.

312.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the San Fernando Police Department may work with outside trainers with the applicable licenses or permits.

312.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize an officer to seek a court order to allow controlled substances seized by the San Fernando Police Department to be possessed by the officer or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

312.11.6 CONTROLLED SUBSTANCE PROCEDURES

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this Department.

(c) Any canine handler possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Office or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

312.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this Department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

313.1.1 DEFINITIONS

Definitions related to this policy include:

Court order - All forms of orders related to domestic violence, that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

313.2 POLICY

The San Fernando Police Department's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this Department to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

313.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

313.3.1 FELONY ARRESTS

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

313.3.2 MISDEMEANOR ARRESTS

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor has occurred.

(a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:

1. A current or former spouse.
2. A current or former cohabitant (Family Code § 6209 definition).
3. A fiancé or fiancée.

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4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship.
5. A person with whom the suspect has parented a child.
6. A child of the suspect or a child of one of the above listed categories.
7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.

(b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):

1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

313.3.3 FIELD RELEASE

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

(a) Any of the following may support the likelihood of a continuing offense:

1. Whether the suspect has a prior history of arrests or citations involving domestic violence.
2. Whether the suspect is violating a Stay Away Order issued by a criminal court.
3. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.
4. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
5. Statements from the victim that the suspect has a history of physical abuse toward the victim.
6. Statements from the victim expressing fear of retaliation or further violence should the suspect be released.

(b) Officers shall not cite and release for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1)
2. Penal Code § 273.5

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3. Penal Code § 273.6 if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party.
4. Penal Code 646.9.
5. Other offenses specified in Penal Code § 1270.1, such as serious or violent felonies.

313.3.4 PRIVATE PERSON'S ARREST

Officers will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside the officer's presence which does not meet the requirements for an officer initiated arrest either because it is not a felony or a qualifying misdemeanor offense under Penal Code § 836(d). Advisements regarding private person's arrests should be held out of the presence of the suspect. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions of Policy Manual § 364 for further options regarding the disposition of private person's arrests.

313.3.5 PROTECTIVE ORDER VIOLATIONS

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

(a) Prohibit threats, harassment or violence

(b) Excludes a party from a dwelling

(c) Prohibit other behaviors specified by the court

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

The court orders under Penal Code § 13701(b) may be captioned as follows:

- Domestic Violence Protective Order
- Criminal Court Protective Order
- Emergency Protective Order (EPO)
- Order to Show Cause and Temporary Restraining Order (TRO)
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

Any officer determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

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313.3.6 TENANCY ISSUES

(a) Officers may request a person who is not in lawful possession of the premises to leave when:

1. The complainant is in lawful possession of the premises (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
2. The complainant has requested that the person leave the premises

(b) The officer will stand by until the suspect removes essential belongings

(c) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5

(d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy

(e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order

313.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls. When children are present at the location of a domestic violence incident, a report to the Department of Children and Family Services shall be made.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detectives Division in the event that the injuries later become visible.

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(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

313.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim’s contact information to the jail staff to enable notification of the victim upon the suspect’s release from jail.

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(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

313.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

313.4.3 PROOF OF SERVICE NOT VERIFIED

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

(a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody (Code of Civil Procedure § 527.8(i)(2)).

(b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.

(c) Obtain the suspect's address.

(d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made (Code of Civil Procedure § 527.8(i)(4)).

If the suspect complies with the order the officer shall complete a Domestic Incident report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement (Penal Code § 13730(c). The Department copy of the restraining order shall be updated to reflect the information listed above.

313.4.4 WHEN ORDERS ARE NOT VERIFIABLE

If the victim is not in possession of the restraining order and/or for any reason the officer cannot verify the validity of the order the following action shall be taken:

(a) Write a report and give the police report number to the victim.

(b) Inform the victim of how the victim can contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c)).

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(c) Inform the victim of the right to make a private person's arrest for the appropriate violation.

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure (Penal Code §§ 13730(c) and 13701(c)).

313.4.5 EMERGENCY PROTECTIVE ORDERS

(a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.07 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.

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3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing his/her peace.
2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
3. Continuing a specified behavior as described in the order.

(d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

(e) Officers should consider requesting an EPO if any of the following conditions exist:

1. The victim requests an EPO.
2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim.
3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists.

313.4.6 COURT ORDERS

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

313.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.

(b) Provide the victim with the Department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

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(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

313.5.1 RECORDING INJURIES AND STATEMENTS

All visible injuries should be photographed regardless of severity, and all victims shall receive proper medical care prior to being photographed, if needed or desired. If feasible, officers may video-record injuries and victim statements. Officers should request that the victim complete and sign an Authorization for Release of Medical Records Form.

Victims whose injuries are not visible at the time of the incident should be advised to contact Detectives Division in the event the injuries later become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

313.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

313.6.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the San Fernando Police Department Victim's Information Card.

313.6.2 WRITTEN NOTICE TO VICTIMS

Penal Code § 13701 requires that victims of domestic violence be furnished written notice including the following information:

(a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time

(b) A statement that provides information about a shelter they may contact in the area

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(c) A statement that provides information about other community services they may contact in the area

(d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint

(e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229."

(f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:

1. An order restraining the attacker from abusing the victim and other family members
2. An order directing the attacker to leave the household
3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim
4. An order awarding the victim or the other parent custody of or visitation with a minor child or children
5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim
6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
7. An order directing the defendant to make specified debt payments coming due while the order is in effect
8. An order directing that either or both parties participate in counseling

(g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, andany other related expenses incurred by the victim or any agency that shelters the victim

(h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Victim's Information Card which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.
2. A simple statement on the proper procedures for a victim to follow after a sexual assault.

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3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

313.6.3 DOMESTIC VIOLENCE SUPPORT

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05)

The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

(a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.

(b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.

(c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

313.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

313.7.1 RECORD-KEEPING RESPONSIBILITIES

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

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313.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

313.8.1 RETURN OF FIREARMS

(a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 12028.5(b)).

(b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.

(c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a

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petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code § 12028.5(f)).

(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 Penal Code § 12021.3(e).

(e) The Department is not required to retain any firearm 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 (Penal Code § 12021.3(g)).

313.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

313.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party

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4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

313.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the

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order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

313.9.3 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

313.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

313.9.5 RECORD-KEEPING AND DATA COLLECTION

This Department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

313.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee’s appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

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Search and Seizure

314.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for San Fernando Police Department personnel to consider when dealing with search and seizure issues.

314.2 POLICY

It is the policy of the San Fernando Police Department 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.

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.

314.3 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.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each employee of this department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

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314.3.1 RESIDENCE
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.

314.3.2 PLAIN VIEW
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.

314.3.3 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.

314.4 SEARCH PROTOCOL
Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Employees of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

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(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.
2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

314.5 DOCUMENTATION

Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

- Reason for the search
- Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and department policy have been met.

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Temporary Custody of Juveniles

315.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by employees of the San Fernando Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1(d); 15 CCR 1150).

Safety checks - Direct, visual observation personally by an employee of this Department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

315.2 POLICY

The San Fernando Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the San Fernando Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

315.2.1 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) .

315.2.2 CHILDREN UNDER THE AGE OF 14

Whenever a child under the age of 14 is arrested, the arresting officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26). In such cases, the officer should complete a department provided Gladys R questionnaire form to document the reasonable steps taken.

315.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the San Fernando Police Department:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

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(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the San Fernando Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed (15 CCR 1142).

315.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

315.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department personnel 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 him/herself or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

315.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the San Fernando Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the San Fernando Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the San Fernando Police Department (34USC § 11133; Welfare and Institutions Code § 207.1(d)).

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315.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the San Fernando Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

315.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

315.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the San Fernando Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the [Department/ Office].

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile’s freedom of movement, provided that alternative

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is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

315.4.4 JUVENILE DETENTION ROOMS

The San Fernando Police Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms shall comply with the following:

(a) It is the officer's responsibility to notify the Watch Commander, desk personnel, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.

(b) Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Commander shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

(c) A written record will be maintained on a detention log located in the Communications office. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Watch Commander to initial the log approving the detention to occur and to initial the log when the juvenile is released.

(d) It is the responsibility of the officer or detective detaining the juvenile (when available) to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. When this detective or officeris not available, the Watch Commander, or his/her designee, shall be responsible for monitoring the detention of the juvenile, and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Watch Commander shall be notified In all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the officer or detective taking responsibility for the detention and processing of the juvenile

(e) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report

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315.4.5 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated and placed in a property bag. The property shall be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a juvenile property locker until the juvenile is released from the custody of the San Fernando Police Department.

315.4.6 MONITORING OF JUVENILES

The juvenile shall constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection shall be done to ensure the welfare of the juvenile and shall be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection shall not be replaced by video monitoring. This inspection shall be conducted by a designee of the Watch Commander, and the visual inspection shall be logged on the Inspection Log in the Communications area.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Commander shall be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs shall be turned into the Records Supervisor or his/her designee at the end of each month.

315.4.7 MANDATED JUVENILE PROVISIONS

While a juvenile is being detained in the detention room, he/she shall be provided with the following provisions:

(a) Reasonable access to toilets and washing facilities

(b) Food, if the juvenile has not eaten within the past four hours, or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply

(c) Reasonable access to drinking water

(d) Privacy during family, guardian, and/or lawyer visits

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody)

315.4.8 FORMAL BOOKING

No juvenile shall be formally booked (Welfare and Institutions Code § 602 only) without the authorization of the arresting officer's supervisor, or in his or her absence, the Watch Commander.

Any juvenile, 14-years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

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For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or Detective Supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

315.4.9 DISPOSITIONS

(a) Any juvenile not transferred to a juvenile facility shall be released to one of the following:

1. Parent or legal guardian
2. An adult member of his/her immediate family
3. An adult person specified by the parent/guardian
4. An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the Watch Commander

(b) If the six hour time limit has expired, the juvenile should be transported to the juvenile hall to accept custody

(c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken.
2. If the arresting officer or the Watch Commander believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that follow-up action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.
3. The arresting officer should complete an Application for Petition form on behalf of the juvenile and forward it to the Detective division for processing.
4. The juvenile may be transferred to Juvenile Hall with authorization of the appropriate supervisor or the Watch Commander when the violation falls within the provisions of Welfare and Institutions Code § 602.

(d) If a juvenile is to be transported to Juvenile Hall, the following forms shall accompany the juvenile:

1. Application for Petition.

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2. Three copies of the applicable reports for each juvenile transported. In certain cases Juvenile Hall may accept custody of the juvenile based on the petition and the agreement that facsimile copies will be forwarded as soon as completed.
3. Any personal property taken from the juvenile at the time of detention

315.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian or a responsible relative that the juvenile is in custody, the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1(d)).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

315.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.
(b) Date and time of arrival and release from the San Fernando Police Department (15 CCR 1150).
(c) Watch Commander notification and approval to temporarily hold the juvenile.
(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.
(e) Any changes in status (e.g., emergency situations, unusual incidents).
(f) Time of all safety checks.
(g) Any medical and other screening requested and completed (15 CCR 1142).
(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1(d); 15 CCR 1145).

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(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

315.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER
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.

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

315.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d); Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), an authorized Department employee (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

315.7.1 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

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315.7.2 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 promptly for an officer to immediately transport the juvenile to LA County Olive View Medical Center for a mental healthevaluation, 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.

315.7.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

(a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others

(b) Is a serious and immediate danger to himself/herself or others

(c) Otherwise falls under the provisions of Welfare and Institutions Code § 5150

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander.

Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Watch Commander shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision shall be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision shall be documented in the police report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment, or as a substitute for treatment.

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315.7.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

315.7.5 DEATH OF A JUVENILE WHILE DETAINED

The District Attorney's Office, LA County Sheriff 's Department and LA County Coroner's Offices will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Support Services Division Commander or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the San Fernando Police 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.

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

(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. Los Angeles County Health Department
    3. Los Angeles County Coroner

315.7.6 CURFEW VIOLATIONS

Juveniles detained for curfew violations will be charged with San Fernando Municipal Code §50-221. The juvenile(s) may be released in the field to their parent, legal guardian or responsible adult or brought to the station and released to a parent, legal guardian or responsible adult.

315.7.7 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.

Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for

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illegal drugs or the birth mother tested positive for illegal drugs. Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

315.8 TEMPORARY CUSTODY REQUIREMENTS

Employees and supervisors assigned to monitor or process any juvenile at the San Fernando Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the San Fernando Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the San Fernando Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

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(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse (15 CCR 1142).

315.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the San Fernando Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

315.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the San Fernando Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the San Fernando Police Department.

315.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):

(a) Age, maturity and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender’s behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type and number of other individuals in custody at the facility

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Department personnel shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

315.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1(d)).

(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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315.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the San Fernando Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Detective Division Supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

315.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 15 years of age or younger to consult with legal counsel in person, by telephone or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

315.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a [department/office] facility, jail, detention facility or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

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(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

315.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Watch Commander.

Any juvenile, 14 years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or Detective Division supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

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315.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Employees of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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 San Fernando Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

315.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Chief of Police shall designate a staff member to coordinate the procedures related to the custody of juveniles held at the San Fernando Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

315.17 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

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Adult Abuse

316.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for San Fernando Police Department members as required by law.

316.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.07; Penal Code § 368.5).

316.2 POLICY

The San Fernando Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

316.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:

  (a) Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)

  (b) Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)

  (c) Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug (Health and Safety Code § 443.17)

  (d) Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17)

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

316.4 QUALIFIED INVESTIGATORS

Qualified officers or detectives should be available to investigate cases of adult abuse. These officers or detectives should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with interview techniques specific to adult abuse investigations.

(c) Present all cases of alleged adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

316.5 MANDATORY NOTIFICATION

Employees of the San Fernando Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have

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observed, or have knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

A dependent adult is an individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

    1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

    2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

    3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

    4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

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(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Detective Division supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

316.5.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

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316.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, officers should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

316.6.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

316.7 INTERVIEWS

316.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

316.7.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

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(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

316.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

316.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

316.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Division Commander so an interagency response can begin.

316.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Division supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Division supervisor that he/she has responded to a drug lab or other narcotics crime

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scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the adult.

316.10 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to adult abuse investigations.

(f) Availability of victim advocates or other support.

316.11 RECORDS RESPONSIBILITIES

Records is responsible for:

(a) Providing a copy of the adult abuse report to the APS, ombudsman or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).

(b) Retaining the original adult abuse report with the initial case file.

316.12 JURISDICTION

The San Fernando Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request in such cases. However, this Department will retain responsibility for the criminal investigations (Penal Code § 368.5).

316.13 RELEVANT STATUTES

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or

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dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

(f) A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) “Financial abuse” of an elder or dependent adult occurs when a person or entity does any of the following:

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

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(d) For purposes of this section, “representative” means a person or entity that is either of the following:

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) “Isolation” means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe

Welfare and Institutions Code § 15610.57

(a) “Neglect” means either of the following:

(1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

(2) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

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(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

15610.63. “Physical abuse” means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

(1) Sexual battery, as defined in Section 243.4 of the Penal Code.

(2) Rape, as defined in Section 261 of the Penal Code.

(3) Rape in concert, as described in Section 264.1 of the Penal Code.

(4) Spousal rape, as defined in Section 262 of the Penal Code.

(5) Incest, as defined in Section 285 of the Penal Code.

(6) Sodomy, as defined in Section 286 of the Penal Code.

(7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

(8) Sexual penetration, as defined in Section 289 of the Penal Code.

(9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

(1) For punishment.

(2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

(3) For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment

317.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department personnel from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law. If any provision of the City's Personnel policy conflicts with any provisions of this Policy 317, the City's Personnel policy shall control (provided any such provision is otherwise consistent with applicable law).

317.2 POLICY

The San Fernando Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

317.3 RESPONSIBILITIES

This policy applies to all department personnel. All employees shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Manager or the City Manager.

Any employee who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment,discrimination or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

317.3.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of each supervisor and manager shall include, but are not limited to:

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(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensuring that his/her subordinates understand their responsibilities under this policy.

(d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or Personnel Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

317.3.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline, in a manner that is consistent with established procedures.

317.3.3 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Personnel Manager, the City Manager or the California Department of Fair Employment and Housing (DFEH) for further information, direction or clarification. Government Code Section 12950.

317.4 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation or harassment shall be fully documented and promptly and thoroughly investigated.

317.4.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty

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expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

317.4.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but is not limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Personnel Manager or the City Manager.

317.4.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe that they have been harassed, discriminated against or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

317.5 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or Personnel Manager, depending on the ranks of the involved parties.
- Maintained in accordance with the department's established records retention schedule.

317.5.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

317.6 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed

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form that he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents and agree that they will continue to abide by its provisions.

317.6.1 STATE-REQUIRED TRAINING

The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, the Training Sergeant should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

317.6.2 TRAINING RECORDS

The staff member responsible for Training shall be responsible for maintaining records of all discriminatory harassment training provided to employees. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

317.7 WORKING CONDITIONS

The Support Services Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

317.8 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

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Child Abuse

318.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when San Fernando Police Department employees are required to notify the county Child Protective Services (CPS), which in Los Angeles County is the Department of Children and Family Services (DCFS) of suspected child abuse.

318.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

318.2 POLICY

The San Fernando Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

318.3 MANDATORY NOTIFICATION

The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred should not be reported to the District Attorney (Penal Code § 11166). In cases of domestic violence in which children are present, require reporting to the CPS is required and this information must be included in the incident report to be provided to the District Attorney.

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority (Penal Code 11166.1; Penal Code 11166.2).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

318.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

318.3.2 POLICE REPORTS
Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in an incident report.

318.4 QUALIFIED INVESTIGATORS

Qualified officers or detectivesinvestigators should be available for child abuse investigations in cases of suspected child abuse. These officers or detectives should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with interview techniques specific to child abuse investigations and include a forensic investigator whenever available for cases of sexual abuse.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

318.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, an incident report will be written. Officers shall write an incident report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

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(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

A Suspected Child Abuse Report or SCAR is a report generated through the DCFS and cross-reported to law enforcement agencies for investigation. Department personnel shall abide by the Department's policy for such reporting as directed by the Chief of Police or his/her designee. See attachment: Child abuse guidelines.pdf

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

318.5.1 EXTRA JURISDICTIONAL REPORTS

If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department employees shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

318.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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Generally, employees of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. In such cases, the employee should consult CPS before placing the child to assure their are no outstanding concerns unknown to the officer or department. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

    1. The child has an immediate need for medical care.
    2. The child is in immediate danger of physical or sexual abuse.
    3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

    1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
    2. There is no lawful custodian available to take custody of the child.
    3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
    4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order. Department personnel shall consult with CPS before placing a child with an adult.

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318.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW
An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

318.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS
Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

318.7 INTERVIEWS

318.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

318.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the child need to be addressed immediately.
    2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
(b) A court order or warrant has been issued.

318.7.3 INTERVIEWS AT A SCHOOL
Any student at school 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 the school staff to be present. The purpose of the staff member’s presence is to provide comfort and support. The

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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).

318.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

318.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

318.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Division Commander should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Division Commander that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

318.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Detective Bureau supervisor so an interagency response can begin.

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318.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

318.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

318.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

318.10.3 CACI HEARING OFFICER

The Detective Division Commander will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.

318.10.4 CACI HEARING PROCEDURES

The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators

(c) Statements from representatives of the District Attorney's Office

(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination

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shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

318.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

318.11 TRAINING

The Department should provide training on best practices in child abuse investigations to employees tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

Training for Detective Division personnel assigned to child abuse cases involving sexual abuse shall take place within 6 months following such assignment as required by POST (Penal Code Section 13516) .

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Missing Persons

319.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

319.1.1 DEFINITIONS

At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

319.2 POLICY

The San Fernando Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The San Fernando Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

319.2.1 INVESTIGATION DILIGENCE

Employees of this department shall accept any report, including any telephonic 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). The required actions include the following:

(a) Make an assessment of reasonable steps to be taken to locate the person

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(b) If the missing person is under 21 years of age, or there is evidence the person is at-risk, the Department shall broadcast over the radio a "be-on-the-lookout" transmission without delay within this jurisdiction

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken, however Department employees may assist in the investigation on a person who was last seen in this jurisdiction.

319.3 MISSING CHILD CRITICAL MISSING

When boys 7 years of age or younger or girls 11 years of age or younger are reported missing or when there is an indication of foul play on any missing juvenile regardless of age or where such juvenile is mentally or physically handicapped, the following search procedures shall be followed:

1. Phase One

- Responding officers shall advise the Watch Commander
- As much detailed information as possible shall be obtained from the reporting party including, but not limited to: previous incidents, status of estranged parents, school information, subject's relatives and friends, any recent trips the subject may have taken, any hobbies or activities, the location of any nearby swimming pools, typical play areas and attractive "accident sites nearby."
- Two officers will be charged with the responsibilities of a thorough search of the residence including attic, under the house, yard, garage, outbuildings, abandoned appliances, boxes, trunks, etc. If the child was seen at a different location, officers shall thoroughly search that area also.
- The immediate ground area and neighborhood shall be patrolled with a parent or reporting party with attention given to adjacent areas (pools, washes, new construction, etc.) and local business locations such as toy stores and arcades.
- Immediate neighbors and persons along last known routes of the juvenile shall be contacted.
- Officers should investigate leads obtained from their preliminary investigation.

2. Phase two

If the juvenile has not been found by the time "phase one" has been completed, the Watch Commander shall notify the Patrol and Detective Commanders. The following procedures shall then be initiated unless it is clear from the facts that such activities would yield negative results:

- A Command Post shall be set up near the primary location and a log initiated recording events up to that time and from that time on. The Watch Commander shall coordinate the field activities unless relieved by a higher authority.

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- The Detective Division Commander shall assign investigator(s) to coordinate the investigation and to follow-up on all leads.
- An attempt to obtain a recent photograph of the missing subject (preferably a full facial) shall be made with possible distribution to local television media and searchers. Watch Commanders should bear in mind scheduled broadcast times of local newscasts in order to facilitate their deadlines.
- A house to house canvass shall be initiated and recorded including a second search of the missing person's residence. Any leads obtained by searchers shall be forwarded to assigned investigators.

Note: Various search and rescue organizations are available to law enforcement organizations to assist in house to house and area canvassing.

- The Patrol Commander shall determine when field operations from Phase Two may be terminated. The Detective Commander will be responsible for the resources devoted to the investigation portion.

The above procedures shall also be followed in the event of a critical missing dependent adult who suffers from advanced senility or any severe physical or mental handicap or otherwise is at risl.

319.4 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Division Commander should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

319.4.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the San Fernando Police Department takes a missing person report on a person who lives outside of this jurisdiction, Communications shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may

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be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen. (Penal Code § 14205(c))

319.4.2 TELETYPE NOTIFICATIONS

When a missing person is under the age of 21, dispatch personnel shall send a teletype to the Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. 5779(a) and 42 U.S.C. 5780(3)).

319.4.3 AT-RISK REQUIREMENTS

If a missing person is under 18 years of age and at-risk or under 16 years of age and missing for more than 14 days, the handling detective shall immediately submit to the dentist, physician/ surgeon, or medical facility the signed request for dental or skeletal X-rays or both (Cal. Penal Code § 14206(a)(2)).

In all cases the handling detective may confer with the coroner or medical examiners and may submit reports including the dental/skeletal X-rays within 24 hours to the Attorney General's office for submission to the center.

319.4.4 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the detective must check with the appropriate coroner(s) or medical examiner(s) and send to the Department of Justice both Department of Justice forms and dental records along with a photograph and this must be noted on Department of Justice form SS-8568. If dental records are unobtainable, this should be noted on Department of Justice form SS-8568 (Cal. Penal Code § 14206(b)).

The assigned detective should verify and update the required missing person databases within 60 days of the original entry of the missing person into the systems and within 45 days thereafter until the missing person is located. The initial follow-up entry shall not exceed 60 days from the date of original entry. The assigned detective must also make reasonable efforts to locate the missing person and document these efforts with a supplemental report at least every 45 days. These reasonable efforts will include, if the missing person is under the age of 21, maintaining a close liaison with the National Center for Missing and Exploited Children (42 U.S.C. § 5780(4)(a)).

319.5 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

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319.6 INITIAL INVESTIGATION

Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a “Be on the Look-Out” (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review the following:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the employee should notify a supervisor and proceed with reasonable steps to locate the missing person.

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319.7 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

319.7.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

1. The reports should be promptly sent to Records.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

319.7.2 RECORDS RESPONSIBILITIES

The receiving employee shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Detective Division.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

319.8 DETECTIVE BUREAU FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).

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2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the [Medical Examiner/JOP].

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

319.9 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

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(b) The missing person's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General's Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

319.9.1 UNIDENTIFIED PERSONS

Department employees investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

319.10 CASE CLOSURE

The Detective Division supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of San Fernando or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

319.11 TRAINING

Subject to available resources, the Department staff member in charge of Training should ensure that employees of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews

2. Use of current resources, such as Mobile Audio Video (MAV)

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3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Public Alerts

320.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

320.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

320.3 RESPONSIBILITIES

320.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the San Fernando Police Department should notify their supervisor, Watch Commander or Detective Division Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

320.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police and the appropriate Division Commander when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

320.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

320.4.1 CRITERIA FOR AMBER ALERT

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

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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

320.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

320.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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320.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

320.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Press Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

320.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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320.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

320.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

320.7 MUTUAL AID

The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Detective Bureau Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Press Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this [department/office].

The San Fernando Police Department shall assign, when available, a liaison to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate and as authorized by the Chief of Police or his/her designee, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

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320.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

320.8.1 CRITERIA

Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

320.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

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Victim and Witness Assistance

321.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

321.2 POLICY

The San Fernando Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the San Fernando Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

321.2.1 CRIME DEFINED

Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

(a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.

(b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153.

(c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated.

(d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F)).

321.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint an employee of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the San Fernando Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

321.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang

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member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with his/her contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the San Fernando Police Department jurisdiction (Penal Code § 680.2).

321.3.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that their name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)).

Except as authorized by law, employees of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

321.3.3 DETECTIVE RESPONSIBILITY

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

321.3.4 SUPERVISOR RESPONSIBILITY

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The Detective Division Commander is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

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321.3.5 VICTIM INFORMATION AND NOTIFICATION
When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the San Fernando Police Department Victim Information card.

321.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

321.4.1 VICTIMS OF HUMAN TRAFFICKING
Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

321.5 VICTIM INFORMATION
The Support Services Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check

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on an offender’s custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer’s name, badge number and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

321.6 WITNESSES

Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate Crimes

322.1 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 § 422.56 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including Nazi swastika, noose, or burning cross).

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.

322.2 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 City Attorney for violation of Civil Code § 51.7, including damages, Temporary Restraining Order and injunctive relief.

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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.

322.3 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the San Fernando Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

322.3.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's

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motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Gender - Gender means sex and includes a person's gender identity and gender expression.

Gender expression - Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

Gender identity- Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

Hate crime - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means 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:

1. “Association with a person or group with these actual or perceived characteristics" includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate incident - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places

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- Displaying hate material on your own property

Hate speech - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

In whole or in part - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

Nationality - Nationality includes citizenship, country of origin, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution

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- Public agency
- Library
- Other victim or intended victim of the offense

322.4 MESSAGE FROM THE CHIEF OF POLICE AND STATEMENT OF DEPARTMENT POLICY

As part of our commitment to our community and to serve each and all persons with honor and integrity, we have committed to a set of values known as ETHICS. One of these values is trust and our commitment to maintain a foundation of trust in our community and within our organization. With regards to our community and this commitment, we will strive to uphold the individual rights and dignity of every person.

It is the policy of our department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

Our Department will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, requires that our Department personnel attend to the security and related concerns of the immediate victims and their families as feasible

It is our duty to assure we pay close attention to any trends related to reported hate crimes and to do our diligent duty to prevent, thoroughly investigate and seek prosecution for reported hate crimes. Additionally, we must play an integral part in educating our community on reporting and preventing hate crime and treating each other with dignity and respect for each other's rights regardless of race, creed, color, religion, disability, gender, sexual orientation, nationality or other characteristics perceived or actual of difference.

Our Department will strive to consistently seek training for our personnel in preventing, reporting and investigating hate crimes given our commitment to the improvement of the quality of life for all and the commitment to service for all.

It is my directive that all officers be familiar with this policy and carry out the policy at all times unless directed by the Chief or other member of command staff delegated this responsibility.

This policy is available electronically on the department's internal website and for Department personnel access through this Policy manual and all updates are transmitted via email to Department personnel.

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322.5 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, Department employees will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

322.5.1 HATE CRIMES COORDINATOR

A Department employee shall be appointed by the Chief of Police to serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the Department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

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(k) Taking reasonable steps to ensure hate crime data is provided to the Records for mandated reporting to the Department of Justice.

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.

(m) Maintaining the Department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the Department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

322.5.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the Department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.

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- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

322.6 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

322.6.1 INITIAL RESPONSE

First responding officers should know the role of all Department personnel as they relate to the Department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.

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2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 6254.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the Department’s Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

322.6.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

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(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 6254.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with Department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

322.6.3 SUPERVISION

The Watch Commander shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The Watch Commander shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

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1. Expressing the Department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the Department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a Department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Watch Commanders should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police via chain of command for approval.

322.7 TRAINING

All employees of this Department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

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(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

322.8 ATTACHMENT

For reference purposes only, the POST Model Hate Crimes Policy is attached hereto and shall form a part of this policy. In the event of any conflict between this policy and the POST Model Hate Crimes Policy, this policy shall govern.

See attachment: Hate_Crimes.pdf

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Standards of Conduct

323.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the San Fernando Police Department and are expected of all department employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or an employee's supervisors.

323.2 POLICY

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

323.3 DIRECTIVES AND ORDERS

Employees shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

323.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No employee is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the employee from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected employee shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, employees who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

323.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

323.4 GENERAL STANDARDS

Employees shall conduct themselves, whether on- or off-duty, in accordance with the United States and California Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

323.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

323.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department employee of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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323.5.2 ETHICS

(a) Using or disclosing one’s status as an employee of the San Fernando Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) 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.

(c) 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).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

323.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

323.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

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

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the employee knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

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323.5.5 ATTENDANCE

(a) Leaving the job to which the employee is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

323.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the employee's position with this Department.

    (a) Employees of this Department shall not disclose the name, address or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this Department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any San Fernando Police Department badge, uniform, identification card or Department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using Department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

323.5.7 EFFICIENCY

(a) Neglect of duty.

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

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

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify Personnel of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

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323.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making 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.

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

(c) Failure to participate in, or 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.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its employees.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its employees.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

323.5.9 CONDUCT

(a) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities resulted in negative contact with any

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other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any employee of the public or any employee of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Using coarse, profane, or insolent language to a superior officer or to any employee of the Department.

(i) Publicly criticizing the official action of a supervisory officer such that the effectiveness or image of the Department is diminished.

(j) Refusing to give badge number or name when requested.

(k) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the employee's relationship with this department.

(l) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(m) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(n) Activity that is incompatible with a employee's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(o) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(p) Any other on- or off-duty conduct which any employee knows or reasonably should know is unbecoming a employee of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its employees.

323.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

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(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the Chief of Police or his/her designee.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

323.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the employee's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. An employee who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Information Technology Use

324.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

324.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the San Fernando Police Department that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file or file - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

324.2 POLICY

It is the policy of the San Fernando Police Department that employees shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

324.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any department computer system.

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices or networks.

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However, the Department shall not require an employee to disclose a personal username or password for accessing personal social media or to open a personal social website, however the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

324.4 RESTRICTED USE

Employees shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software or systems by another Employee to their supervisors or Watch Commanders.

Employees shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

324.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any department computer. employees shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or his/her authorized designee.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

324.4.2 HARDWARE

Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

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324.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a employee's assignment.

Downloaded information shall be limited to messages, mail and data files.

324.4.4 OFF-DUTY USE

Employees shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other “off the clock” work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

324.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Employees shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

324.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department

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involving one of its employees or a employee's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when approved by the Chief of Police or his/her designee or during the course of regular duties that require such information.

324.7 INCIDENT RESPONSE PLAN

Any employee or contractor of the San Fernando Police Department or third party user of its information systems shall promptly report an event or weakness that might have an impact on the security of the department's information systems.

DECLARING AN INCIDENT

Under the authority of the City Manager and the City Mayor, the Information Technology contractor can declare a privacy or IT security incident. It is the responsibility of the IT contractor to evaluate the reported concern using the tools and risk assessment guides expeditiously to determine its authenticity and severity. Severity judgments will be based on ongoing persistent threats, the volume of data involved, and the potential for reputational and/or financial harm to the Department or any affected individuals.

Low-scale severity incidents will be handled by the city's designated Security and Identity Management team. For more severe incidents, the IT Contractor engineer will convene a meeting of the core members of the Incident Response Team (IRT) and begin drafting the initial incident report. The initial details of the incident will be discussed with the IRT core team at this meeting.

RESPOND TO AN INCIDENT

Once an incident has been reported and declared, the incident must be contained to prevent further harm. All relative logs must be preserved.

Effective containment stops damage from being done and allows assessment of the scope of the incident and the initiation of remediation activities.

INCIDENT REPORTING

The initial incident report must be presented and reviewed at the convening of the IRT core team. The IRT data analysis investigator is responsible for compiling the data elements below as part of the incident response procedures. Appropriate templates are available based on the type of incident. The incident report must contain the following attributes:

· Incident name

· Incident number

· Incident description and type

· Date and time declared

· Date and time discovered/reported

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· Date and time occurred

· Date and time contained

· Date and time remediated

· Assets or systems involved

· Data involved, including data type, and independent verification

· Individual(s) involved

· Individual(s) affected

· Location of asset or system

· How was the incident detected

· Root cause analysis

· Containment steps and verification

· Comprehensive response steps/action log

· Remediation steps

· Notification plan

· Regulatory reporting requirements

· Lessons learned

Throughout the incident response process, all items should be completed, when known, before the report can be finalized.

The action log must include all actions taken in chronological order, along with communications made and the indexing of any potential threats found, pertinent discoveries made, or potential data involved throughout the process.

The remediation plan should eliminate, mitigate, or document acceptance of the threats discovered in the incident and any actions to address these items going forward.

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Report Preparation

325.1 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.

325.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

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 suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

325.2 REQUIRED REPORTING

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

325.2.1 CRIMINAL ACTIVITY

When an officer 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 officer shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy

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3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

325.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any use of force against any person by an employee of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(d) Any found property or found evidence

(e) Any traffic collisions above the minimum reporting level or when requested by a reporting party (see Traffic Collision Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Suspicious incidents that may place the public or others at risk

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

325.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicides or suspected homicides.

(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

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(e) Found dead bodies or body parts.

325.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

325.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, where 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.

325.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Bureau shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

325.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
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.

325.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for departmental consistency.

325.3.2 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.

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325.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should mark the corrections on the printed report together with any comments and return the report to the officer 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.

325.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to Records 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 Records may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

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Media Relations

326.1 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.

326.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Press Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

326.2.1 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 of Police or his/her designee.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made 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 comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

326.3 MEDIA ACCESS

Authorized 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. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Chief of Police or his/her designee.

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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 a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

(c) No employee of this department who is under investigation 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 should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Officers shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through the Chief of Police or his/her designee..

326.3.1 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 of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police 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.

326.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

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(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law including confidentiality for child abuse victims and victims of domestic violence and sexual assaults.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

326.4.1 RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained.

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Subpoenas and Court Appearances

327.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department employees who must appear in court. It will allow the San Fernando Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

327.2 POLICY

San Fernando Police Department employees will respond appropriately to all subpoenas and any other court-ordered appearances.

327.3 SUBPOENAS

Only department employees authorized to receive a subpoena on behalf of this department or any of its employees may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the Department's Property Control Officerofficer or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the Property Control Officer shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

Officers are responsible for checking the subpoena book in roll call on each work day at the beginning of their shifts and shall date and initial the acceptance of each issued subpoena. Watch Commanders are responsible for checking the subpoena book at the beginning of each of their shifts to assure all subpoenas have been accepted by the officers present on that particular work day and verify that none requiring appearance within the next 24 hours have not been properly acknowledged.,

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327.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employee who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its employees, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or an employee of any such unit of government, as a result of his/her official capacity, is a party.

(c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the employee's on-duty activity or because of his/her association with the San Fernando Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the San Fernando Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

327.3.2 CIVIL SUBPOENA

The Department will compensate employees who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the employee's compensation through the civil attorney of record who subpoenaed the employee.

327.3.3 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

327.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency. Accommodation shall be made for employees who are on leave due to disability, IOD or other legally protected status.

327.5 STANDBY

To facilitate standby agreements, employees are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

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If an employee on standby changes his/her location during the day, the employee shall notify the Property Control Officer regarding how he/she can be reached. Employees are required to remain on standby until released by the court or the party that issued the subpoena.

327.6 COURTROOM PROTOCOL

When appearing in court, employees shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

327.6.1 TESTIMONY

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

327.7 OVERTIME APPEARANCES

When an employee appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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Outside Agency Assistance

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to employees when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

328.2 POLICY

It is the policy of the San Fernando Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this Department.

328.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this Department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Employees are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this Department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this Department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this Department will not ordinarily be booked at this Department. Only in exceptional circumstances, and subject to supervisor approval, will this Department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling employee unless otherwise directed by a supervisor.

328.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the San Fernando Police Department shall notify his/her supervisor or the Watch Commander and Communications as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

328.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the employee requesting assistance should, if practicable, first notify a supervisor. The handling employee or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting employee should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

328.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a watch commander's log.

328.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Services Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Communications and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The training supervisor should maintain documentation that the appropriate employees have received the required training.

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Handcuff Policy

329.1 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.

329.2 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.

329.2.1 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.

329.2.2 JUVENILES

Juveniles 14-years 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 14-years 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.

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329.2.3 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.

329.2.4 HANDCUFFING OF PREGNANT ARRESTEES

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others (Penal Code § 6030).

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Registered Offender Information

330.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the San Fernando Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

330.2 POLICY

It is the policy of the San Fernando Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

330.2.1 LIMITATIONS ON EXTENDED RELEASE

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

330.3 REGISTRATION

The Detective Division Commander shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

330.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

330.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the department Internet Web site:

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(a) The offender's full name.

(b) The offender's known aliases.

(c) The offender's gender.

(d) The offender's race.

(e) The offender's physical description.

(f) The offender's photograph.

(g) The offender's date of birth.

(h) Crimes resulting in the registration of the offender under Penal Code § 290.

(i) The community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient.

(j) Any other information which the Department deems relevant, such as:

1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense).
2. Type of victim targeted by the offender.
3. Relevant parole or probation conditions, such as prohibiting contact with children.
4. Dates of crimes resulting in current classification.
5. Dates of release from confinement.
6. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information is correct.

330.3.3 USE OF DISCLOSURE FORMS

Whenever information regarding any sex offender is publicly disseminated, the officer shall include with the disclosure a statement that the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders. A copy of this statement shall be promptly forwarded to the Detective Division (Penal Code § 290.45).

The release of such information shall also be noted by entering the notification into the comment field on the offender's Supervised Release File record.

330.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution

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of higher learning may release the following information within the campus community regarding other registered sex offenders:

(a) The offender's full name.

(b) The offender's known aliases.

(c) The offender's gender.

(d) The offender's race.

(e) The offender's physical description.

(f) The offender's photograph.

(g) The offender's date of birth.

(h) Crimes resulting in the registration of the offender under Penal Code § 290.

(i) The date of last registration.

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d)(1).

330.4 MONITORING OF REGISTERED OFFENDERS

The Detective Division Commander or his/her designee should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Detective Division Commander should also establish a procedure to routinely disseminate information regarding registered offenders to San Fernando Police Department personnel, including timely updates regarding new or relocated registrants.

330.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted.

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A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the San Fernando Police Department's website. Information on sex registrants placed on the San Fernando Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

330.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

330.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

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(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Major Incident Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to employees of this department in determining when, how and to whom notification of major incidents should be made.

331.2 MINIMUM CRITERIA FOR NOTIFICATION

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

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent San Fernando official
- Arrest of a department employee or prominent San Fernando official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

331.3 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the department issued cell phone for the Patrol Division Commander and Detective Division Commander first and then by any other available contact numbers. If unable to reach the Detective Division Commander or Patrol Division Commander, then notification should be made directly to the Chief of Police.

331.3.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander if that division is affected.

331.3.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the Detective Division Commander shall be contacted who will then contact the appropriate detective.

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331.4 POLICY

The San Fernando Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

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Death Investigation

332.1 PURPOSE AND SCOPE

The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The need for thoroughness of death investigations cannot be emphasized enough.

332.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). The Watch Commander shall be notified in all death investigations.

332.2.1 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

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(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals that are unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

As a matter of policy, San Fernando Police Department requires the coroner to be contacted in all cases and the Watch Commander shall make notification to the Detective Division Commander.

332.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

332.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

332.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

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332.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form and in an RMS Incident Report.

332.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Detective Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

332.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any employee of this agency who responds to a death investigation or otherwise determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

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Identity Theft

333.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

333.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

334.1 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.

334.2 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 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.

334.3 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.

334.4 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.

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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.
2. 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.

(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

334.5 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 addition to the Private Person's Arrest Form (and any other related documents such as citations, booking forms, etc.), officers shall complete an Incident Report with required narrative regarding the circumstances and disposition of the incident.

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Anti-Reproductive Rights Crimes Reporting

335.1 PURPOSE AND SCOPE

This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

335.2 DEFINITIONS

Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

335.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Records Supervisor.

(c) By the tenth day of each month, it shall be the responsibility of the Records Supervisor to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

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2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Limited English Proficiency Services

336.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 United States Code 2000d).

336.1.1 DEFINITIONS

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language, but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his or her skill level, could be utilized to communicate fluently in a non-English language, but not to interpret between two languages if he or she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another an individual must possesses the skill, training and demonstrated competence to do so. For purposes of this policy employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Authorized Interpreter - An employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

336.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice LEP *Guidance to Federal Financial Assistance Recipients* available at the DOJ website in determining which

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measures will provide reasonable and meaningful access to various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department or on department personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

336.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

336.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department provided interpreter services may include, but are not limited to the assistance methods described in this section.

336.3.1 BILINGUAL STAFF

Employees utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether the employee's language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions. All employees used for communication

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with LEP individuals must demonstrate knowledge of the ethical issues involved when functioning as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter; including but not limited to the ethics requirements of interpretation. When bilingual employees of this department are not available, employees from other city departments who have the requisite training may be requested.

336.3.2 WRITTEN FORMS AND GUIDELINES
This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to departmental personnel and other appropriate individuals.

336.3.3 AUDIO RECORDINGS
From time to time, the Department may develop audio recordings of important information needed by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

336.3.4 TELEPHONE INTERPRETER SERVICES
The Watch Commander and Dispatch Supervisor will maintain a list of qualified interpreter services which may be contacted to assist LEP individuals upon approval of a supervisor.

336.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION
Where competent bilingual departmental personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in § 368.3.1 above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, is generally not recommended and departmental personnel shall make case-by-case determinations on the appropriateness of using such individuals (For further guidance see: Section V(3) of the DOJ Final Guidance available at the DOJ website).

336.4 LEP CONTACT SITUATIONS AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

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Whenever any employee of this department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual such services should be noted in the related report.

336.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from this department by utilizing all the methods listed in § 368.3 above.

336.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual the call-taker should quickly determine whether or not sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed and the language is known, the call-taker should immediately transfer the LEP caller to an available authorized interpreter to handle the call.

If an appropriate authorized interpreter is not available, the call-taker will promptly contact the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The San Fernando Police Department will take reasonable steps and will work with the Personnel Department to hire and develop in-house language capacity in the Communications Center by hiring qualified personnel with specific language skills.

336.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

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336.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses, and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identifying and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

336.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

336.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of departmental duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

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336.5 TRAINING

In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about departmental LEP policies and procedures, including how to access department-authorized, telephonic and in-person interpreters and other available resources. LEP training will be provided for new employees and refresher training will be provided at least once every two years thereafter.

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Communications with Persons with Disabilities

337.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

337.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

337.2 POLICY

It is the policy of the San Fernando Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Employees must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

337.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

337.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to act as an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Support Services supervisor or the authorized designee.

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The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the San Fernando Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and in dispatch. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable employees to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all employees.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

337.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Employees should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Employees should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, employees should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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337.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

337.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, employees should remain alert to the possibility of communication problems.

Employees should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when an employee knows or suspects an individual requires assistance to effectively communicate, the employee shall identify the individual’s choice of auxiliary aid or service.

The individual’s preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the San Fernando Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

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337.6 TYPES OF ASSISTANCE AVAILABLE

San Fernando Police Department employees shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

337.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

337.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an

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interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

337.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), employees must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Employees shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

337.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department employees must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

337.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

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337.12 REPORTING

Whenever any employee of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Employees should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the employee must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

337.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every employee of this department. Employees and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

337.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

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(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Employees should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

337.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

337.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, employees should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, employees should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

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337.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be employees of this Department.

337.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

337.18 TRAINING

To ensure that all employees who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training supervisor shall be responsible for ensuring new employees receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each employee's training file in accordance with established records retention schedules.

337.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

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(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all personnel who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur annually.

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Mandatory Employer Notification

338.1 PURPOSE AND SCOPE

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.

338.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

338.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, insofar as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, 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 (Health and Safety Code § 11591; Penal Code § 291).

338.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, insofar as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, 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 (Health and Safety Code § 11591; Penal Code § 291).

338.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, insofar as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, 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 (Health and Safety Code § 11591; Penal Code § 291.1).

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338.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, insofar as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

338.3 POLICY

The San Fernando Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

338.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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Biological Samples

339.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

339.2 POLICY

The San Fernando Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

339.2.1 ARRESTEES

Any adult arrested or charged with any felony offense is required to provide DNA samples. DNA samples should be collected immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest but in any case prior to release on bail or other physical release from custody (Penal Code § 296.1(a)(1)(A)).

339.2.2 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code § 290 or arsonist under Penal Code § 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. (Penal Code § 296(a)(3)).

At the time that any such registrant registers, updates registration, or is notified by the Department of Justice or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided (Penal Code § 296.2(c)).

339.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

339.3.1 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. (Penal Code § 298(a)

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and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

(Note: If an individual violently resists or presents other officer safety issues, employees may omit buccal swab samples upon approval of a supervisor.)

339.3.2 FULL PALM PRINTS
Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples. (Penal Code § 298(b)(4)).

339.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

339.4.1 COLLECTION
The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

339.4.2 FOLLOW UP NOTICE TO DOJ
Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation (Penal Code § 297(c)(2)). It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

339.5 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

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(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

339.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

339.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

339.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

339.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

339.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court (pursuant to a valid warrant) orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

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339.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplains

340.1 PURPOSE AND SCOPE

This policy establishes the guidelines for San Fernando Police Department chaplains to provide counseling or emotional support to employees of the Department, their families and members of the public.

340.2 POLICY

The San Fernando Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

340.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

340.4 RECRUITMENT, SELECTION AND APPOINTMENT

The San Fernando Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

340.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and his/herdesignee..

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

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Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment and may be terminated by the Chief of Police or his/her designee in his/her sole discretion.

340.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued San Fernando Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard San Fernando Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

340.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Chief of Police or his/her authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The Chief of Police may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

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(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

340.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its employees and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the San Fernando Police Department.

340.7.1 COMPLIANCE

Chaplains are volunteers of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

340.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with San Fernando Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe San Fernando Police Department operations, provided the Patrol Commander has been notified via a signed ride a long waiver and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

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(h) Chaplains shall serve only within the jurisdiction of the San Fernando Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

340.7.3 ASSISTING DEPARTMENT EMPLOYEES

The responsibilities of a chaplain related to department employees include, but are not limited to:

(a) Assisting in making notification to families of employees who have been seriously injured or killed and, after notification, responding to the hospital or home of the employee.

(b) Visiting sick or injured employees in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired employees.

(d) Serving as a resource for employees when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for employees and their families.

(f) Being alert to the needs of employees and their families.

340.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting employees in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department employees.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

340.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

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(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

340.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

340.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to employees of the Department may work or volunteer for the San Fernando Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform employees when it appears reasonably likely that the employee is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the employee to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any San Fernando Police Department employee concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

340.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Sergeant, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide

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- Officer injury or death
- Sensitivity and diversity

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Public Safety Video Surveillance System

341.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

341.2 POLICY

The San Fernando Police Department operates a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

341.3 OPERATIONAL GUIDELINES

Only department-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

341.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

(a) To prevent, deter and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

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(d) To assist in identifying, apprehending and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers

(f) To augment resources in a cost-effective manner.

(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the office and the Communications Center. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained the Communications Center personnel are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination or retention is prohibited.

341.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

341.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

341.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure employees are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

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341.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.

(b) Name and agency of the person being given access to the images.

(c) Name of person authorizing access.

(d) Identifiable portion of images viewed.

341.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

341.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the City Attorney. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

341.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve

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individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

341.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the San Fernando Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Support Services Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

341.7 VIDEO SURVEILLANCE AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

341.8 TRAINING

All department employees authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

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Child and Dependent Adult Safety

342.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by employees of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

342.2 POLICY

It is the policy of this Department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The San Fernando Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

342.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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342.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

342.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

342.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:
    1. Name
    2. Sex
    3. Age
    4. Special needs (e.g., medical, mental health)
    5. How, where and with whom or which agency the child was placed
    6. Identities and contact information for other potential caregivers
    7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:
    1. Name
    2. Sex
    3. Age
    4. Whether he/she reasonably appears able to care for him/herself
    5. Disposition or placement information if he/she is unable to care for him/herself

342.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

342.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

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342.5 TRAINING

The Training supervisor is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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Service Animals

343.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

343.1.1 DEFINITIONS

Definitions related to this policy include:

Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

343.2 POLICY

It is the policy of the San Fernando Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department employees shall protect the rights of persons assisted by service animals in accordance with state and federal law.

343.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- 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 who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting 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.

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- 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 or follow daily routines.

343.4 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 San Fernando Police Department considers interference with or denial of this right by any employee 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 Chief of Police for assignment to a designated supervisor or Division Commander for internal affairs investigation..

343.5 EMPLOYEE RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department employees are expected to treat individuals with service animals with the same courtesy and respect that the San Fernando Police Department affords to all members of the public (28 CFR 35.136).

343.5.1 INQUIRY

If it is apparent or if a Department employee is aware that an animal is a service animal, the individual generally 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 employee should ask the individual only the following questions (28 CFR 35.136(f)):

- 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 questions as to the animal's status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

343.5.2 CONTACT

Service animals are not pets. Department 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.

343.5.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor

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does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

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. Employees of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

343.5.4 COMPLAINTS

When handling calls of a complaint regarding a service animal, employees of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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

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Volunteer Program

344.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

344.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

344.2 VOLUNTEER MANAGEMENT

344.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Chief of Police. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

344.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

344.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

(d) Credit check

(e) Residence check

(f) Neighbor check

344.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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344.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

344.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

344.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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344.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

344.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

344.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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344.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

344.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDT and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

344.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

344.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

344.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Off-Duty Law Enforcement Actions

345.1 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 the San Fernando Police Department with respect to taking law enforcement action while off-duty.

345.2 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 officer 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.

345.3 FIREARMS

For officer safety reasons, it is the policy of this Department that sworn officers of this department carry a firearm (including a back-up firearm) while off-duty in accordance with federal regulations and department policy, provided that each officer of this Department retains the discretion whether or not to carry a firearm when off-duty. 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.

345.4 DECISION TO INTERVENE

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.

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(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.

345.4.1 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 San Fernando Police Department officer until acknowledged. Official identification should also be displayed.

345.4.2 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.

345.4.3 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.

345.4.4 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.

345.5 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.

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Department Use of Social Media

347.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

347.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

347.2 POLICY

The San Fernando Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department employees shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

347.3 AUTHORIZED USERS

Only employees authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized employees shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a Division Commander or their designee.prior to posting.

Requests to post information over department social media by employees who are not authorized to post should be made through the employee’s chain of command.

347.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

347.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Chief of Police or the authorized designee will be responsible for the compilation of information to be released.

347.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the San Fernando Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

347.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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347.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

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Gun Violence Restraining Orders

348.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

348.1.1 DEFINITIONS

Definitions related to this policy include:

Gun violence restraining order - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

348.2 POLICY

It is the policy of the San Fernando Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

348.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

348.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

348.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

348.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to Dispatch for immediate entry into the computer database system for protective and restraining ordersmaintained by the Department of Justice. The entry shall be verified by Watch Commander. A copy of the order and entry shall be provided to the Records Bureau through the DR file.

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348.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

348.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

348.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized employees shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The employee receiving any firearm or ammunition shall:

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(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

348.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

348.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by Department employees, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

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(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training supervisor to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, Department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

348.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Division Commander is responsible for the review of a gun violence restraining order obtained by the Department

to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

348.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

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348.12 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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Native American Graves Protection and Repatriation

349.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

349.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

349.2 POLICY

It is the policy of the San Fernando Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all employees. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

349.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, employees shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

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Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - [Medical Examiner/JOP], when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

349.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Employees shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Employees should be provided with opportunities on a regular basis to share information during the daily [briefing]s and to attend [briefing]s of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with Department policies and applicable laws. Employees are encouraged to share information with other units and divisions.

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. The watch commander should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.3.1 CAMPUS LIAISON

A college or university in this jurisdiction should designate a liaison between our Department and students exercising rights guaranteed by the First Amendment to the United States Constitution, a similar provision of the California Constitution or both (Education Code § 66303). The designated Department staff employee will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

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400.4 POLICY

The San Fernando Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and Department employees.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of San Fernando. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, ensure the safe and expeditious movement of vehicle and pedestrian trafficidentify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(i) Directing and controlling traffic.

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Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to Department employees that affirms the San Fernando Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the Department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

401.2 POLICY

The San Fernando Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this Department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

Employees shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Employees shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

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401.4 EMPLOYEE RESPONSIBILITIES

Every employee of this Department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Employees should, when reasonable to do so, intervene to prevent any biased-based actions by another employee.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, commencing January 1, 2022, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the San Fernando Police Department is the primary agency, the San Fernando Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) The Chief Of Police or his/her designee should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Terminal (MDT) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

    (a) The Chief of Police or his/her designee should document these periodic reviews.

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(b) Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any employee of this Department who discloses information concerning bias-based policing.

401.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Chief of Police or his/her designee shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy). Such annual reports shall be submitted annually with the first round of such reports due on or before April 1, 2023.

401.7 ADMINISTRATION

Each year, the Support Services Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.8 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Training supervisor.

(a) All sworn officers of this Department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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

(c) Each sworn officer of this Department who received initial bias-based policing 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, identity and cultural trends (Penal Code § 13519.4(i)).

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Bias-Based Policing

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Roll Call Training

402.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Special Orders or changes in Special Orders

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects, including, but not limited to, policy and case law updates

402.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

402.3 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be included in the watch commander daily log and, as required, documented on provided training rosters. Both shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

402.4 ROLL CALL AND RELATED DIRECTIVES

Department personnel shall adhere to the guidelines set forth in the attachment appearing below titled "Patrol Operations."

See attachment: Patrol Operations.pdf

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

403.2 POLICY

It is the policy of the San Fernando Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

403.4 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) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

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403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to 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 additional or alternate authority for the search is obtained, such as consent or a search warrant.

403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

403.6 EXECUTION OF HEALTH ORDERS

Any sworn officer of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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Ride-Along Policy

404.1 PURPOSE AND SCOPE

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.

404.1.1 ELIGIBILITY

The San Fernando Police Department Ride-Along Program is offered to residents, students and those employed within the City. 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/Office]
- Denial by any supervisor

404.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Division Commander. 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.

The Patrol Division Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

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.

404.2.1 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander may refuse a ride along to anyone not properly dressed.

404.2.2 PEACE OFFICER RIDE-ALONGS

Off-duty employees of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Patrol Division

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Commander. In the event that such a ride-along is permitted, the off-duty employee 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.

404.2.3 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 San Fernando Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2).

404.3 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.

The Patrol Division Commander is responsible for maintaining and scheduling ride-alongs.

404.4 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-alongs 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-alongs 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

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person, nor shall a civilian ride-along be permitted to enter the Department's jail facilities.

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Hazardous Material Response

405.1 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.

405.1.1 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.

405.2 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 the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).

(b) Notify the Fire Department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, dependent on substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

405.3 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 Division Commander. 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.

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.

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405.3.1 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.

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Hostage and Barricade Incidents

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

406.2 POLICY

It is the policy of the San Fernando Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

406.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

406.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code Section 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

406.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

406.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

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(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt to obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

406.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

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(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Press Information Officer.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

406.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting LASD SEB if appropriate and apprising the LASD SEB Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

    (a) When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the Department and Press Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

406.6 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the San Fernando Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such 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 should always be the primary consideration.

407.2 POLICY

It is the policy of the San Fernando Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

407.3 RECEIPT OF BOMB THREAT

Department employees receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The employee receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

407.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

407.4.1 SAN FERNANDO POLICE DEPARTMENT FACILITY

If the bomb threat is against the San Fernando Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

407.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the San Fernando Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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407.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

407.5 PRIVATE FACILITY OR PROPERTY

When an employee of this department receives notification of a bomb threat at a location in the City of San Fernando, the employee receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The employee receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

407.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

407.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

407.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

407.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or criminal, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

407.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Chief of Police
- Detective Division, Support ServicesDivision and Patrol Division Commanders
- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
-
- Watch Commander

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- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

407.7.3 CROWD CONTROL

Only authorized employees with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

407.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Illness Commitments

408.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

408.2 POLICY

It is the policy of the San Fernando Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

408.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

408.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officer should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

408.3.2 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

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are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

408.3.3 MENTAL HEALTH DOCUMENTATION

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and RMS incident report and provide the MH_302 form to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

408.3.4 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.

408.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the person’s action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

408.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual’s personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150and § 5585).

The officer taking the person into custody shall provide a report to the court that describes the person’s property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150and § 5585).

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408.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

408.5.1 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 Detective Division 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 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 Penal Code § 12021.3(e).

(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 (Penal Code § 12021.3(g)).

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408.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

408.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150and § 5585; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

408.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer’s name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

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408.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

408.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).

408.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Detective Division, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

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The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has 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/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

408.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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Cite and Release Policy

409.1 PURPOSE AND SCOPE

This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

409.2 POLICY

It is the policy of the San Fernando Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

The release of persons as set forth in this policy is subject to the attached Special Order. See attachment: Booking Fee Program Special Order (1).pdf

409.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private persons arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs 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.

409.3.1 FIELD CITATIONS

Although in many cases in which an adult is arrested for a misdemeanor offense that person may be released in the field on a citation in lieu of physical arrest, it is the policy of the San Fernando Police Department to book and fingerprint all adults arrested for misdemeanor offenses unless it is approved by a Division Commander.in cases in which it is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such exceptional cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

409.3.2 RELEASE AFTER BOOKING

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Persons arrested for qualifying misdemeanor offenses should be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander.

409.4 NON-RELEASE

409.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking:

Disqualifying offenses include the following (Penal Code § 1270.1).: (Note that the arrested party shall not be released on bail until a hearing has been held in open court by a magistrate or judge.)

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1)).

(b) Felony domestic battery (Penal Code § 273.5).

(c) Serious felonies as defined in subdivision (c) of Penal Code § 1192.7 or a violent felony as defined in subdivision (c) of Penal Code § 667.5 but not including a violation of subdivision (a) of Penal Code § 460 (residential burglary) (Penal Code § 1270.1(a)(1)).

(d) Violation of a protective order and the arrested person has made threats, used violence or has gone to the protected person's workplace or residence (Penal Code § 273.6).

(e) Stalking (Penal Code § 646.9).

(f) A violation of Penal Code §136.1.

(g) A violation of Penal Code §§ 262 of 422 where the offense is a felony or Penal Code § 646.9 (stalking).

(h) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6).

(i) Violations of Penal Code § 273.6 where the detained person has made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of, the protect party.

409.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the [Department/ Office] and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that he/she could be a danger to him/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

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1. The San Fernando Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to 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, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.

1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) 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.

(h) 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.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) 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 documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:

(a) Previous failure to appear is on record

(b) The person lacks ties to the area, such as a residence, job, or family

(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Bureau.

409.5 MISDEMEANOR WARRANTS

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An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence

(b) The misdemeanor cited in the warrant involves a firearm

(c) The misdemeanor cited in the warrant involves resisting arrest

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer

(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety

(g) The person has other ineligible charges pending against him/her

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person

(i) The person refuses to sign the notice to appear

(j) The person cannot provide satisfactory evidence of personal identification

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this policy.

409.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the San Fernando City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Detective Bureau for further action including diversion.

409.7 REQUESTING CASE NUMBERS

Many traffic infraction cases involving a criminal citation release can be handled without requesting a case number. Notes and circumstances related to traffic infractions and local code violations can be documented on the reverse side of the records copy of the citation; however, all misdemeanor citations require a DR case number and an incident report. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.

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Foreign Diplomatic and Consular Representatives

410.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that employees of the San Fernando Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

410.2 POLICY

The San Fernando Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

410.3 CLAIMS OF IMMUNITY

If an employee comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the employee should, without delay:

(a) Notify the Watch Commander and the Watch Commander will in turn make proper notification to the Patrol Division Commander. The Chief of Police will also be notified..

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

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410.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, employees shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person 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.

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410.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

410.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

411.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

411.2 POLICY

The San Fernando Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by officers of the Department in protecting themselves or others from death or serious injury.

411.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

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(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

411.3.1 DECISION TO ADVANCE ON SUSPECT

The decision to advance on the suspect(s) is a decision that the on-scene first responders must make. The multitude of variables in such a circumstance requires a rapid assessment of the situation, a decision as to the best tactics to implement and the timely action necessary to resolve the incident. The following are some examples:

(a) Barricaded suspect wait for additional assistance - probable SEBresponse unless timely resolved

(b) Barricaded suspect with hostages and no harm done to the hostages - wait for additional assistance or SEB response

(c) Suspect actively shooting hostages or others in the area - take immediate action, if possible, to neutralize the threat presented by the suspect while calling for assistance

411.4 CONSIDERATIONS

When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

411.5 PLANNING

The Watch Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

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(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

411.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

  (a) This should include the POST terrorism incident training available for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Transportation of Arrested Persons

412.1 TRANSPORTATION OF ALL PERSONS

Arrested persons shall be transported in the caged rear compartment of the police vehicle whenever possible. All arrested persons shall be restrained by seat belts while being transported.

412.2 TRANSPORTAITON OF FEMALES

Male officers transporting arrested females shall request a time check from the communications operator and give the following information:

- Location of departure and destination; and
- Mileage upon departure.

When the officer arrives at the destination, the officer shall give the communications operator the following:

- Location of arrival; and
- Mileage upon arrival.

The communications operator shall be notified immediately if any delay or detour is necessary during the transportation of the female.

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Immigration Violations

413.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the Department relating to immigration and interacting with federal immigration officials.

413.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

413.2 POLICY

It is the policy of the Department that all employees make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this Department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

413.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, employees shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

413.4 IMMIGRATION INQUIRIES PROHIBITED

Employees of this Department shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

413.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

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Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

413.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

413.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a), or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to (a) transfer the person to federal authorities, or (b) transfer the person to jail.

Upon determination by the supervisor that a transfer referred to in subsections (a) and/or (b) above is appropriate, the supervisor shall notify and obtain approval of the applicable Division Commander before effecting such transfer.

413.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this Department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

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413.7 INFORMATION SHARING

No employee of this Department will prohibit, or in any way restrict, any other employee from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials.

(b) Maintaining such information in Department records.

(c) Exchanging such information with any other federal, state or local government entity.

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

413.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

413.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the San Fernando Police Department intends to comply with the request (Government Code § 7283.1).

If the San Fernando Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

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413.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the San Fernando Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

413.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Employees shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

413.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective Division supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)) (see the Records Division Policy).

413.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Department supervisor assigned to oversee the handling of any related case. The supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

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1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

413.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

413.8.2 REPORTING TO LEGISLATURE

The Chief or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

413.8.3 POLICE REPORTS

Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

413.9 TRAINING

The Training supervisor should ensure that all appropriate employees receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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Immigration Violations

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Emergency Utility Service

414.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

414.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

414.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Southern California Edison Company or Public Works should be promptly notified, as appropriate. The Los Angeles City Fire Department should also be called as necessary and determined based on the recommendations of the officer on the scene or information received by Communications.

414.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

414.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

414.2 TRAFFIC SIGNAL MAINTENANCE

The City of San Fernando Public Works Department is responsible for maintenance for all traffic signals within the city, other than those maintained by the State of California.

414.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Department employees with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

416.1.1 DEFINITIONS

Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the San Fernando Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Officers or other authorized employees tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

416.4 INJURIES AND CASUALTIES

Employees should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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416.5 NOTIFICATIONS

When an aircraft accident is reported to this Department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) [Medical Examiner/JOP].

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this Department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene Department supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Employees should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

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(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

416.8 DOCUMENTATION

All aircraft accidents occurring within the City of San Fernando shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of SFPD employees deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, employees should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Employees tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Press Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training Officer Program

417.1 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 San Fernando Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive and professional manner.

417.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Minimum of four years as a sworn, full-time police officer with the San Fernando Police Department

(c) Demonstrated ability as a positive role model

(d) Participate in and pass an internal oral interview selection process

(e) Evaluation by supervisors

(f) Possess a POST Basic certificate

417.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to or within 12 months ofbeing assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Chief of Police or his/her designee and should possess, or be eligible to receive, a POST Supervisory Certificate..

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The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs
(b) Conduct FTO meetings
(c) Maintain and ensure FTO/trainee performance evaluations are completed
(d) Maintain, update and issue the Field Training Manual to each trainee
(e) Monitor individual FTO performance
(f) Monitor overall FTO Program
(g) Maintain liaison with FTO coordinators of other agencies
(h) Maintain liaison with academy staff on recruit performance during the academy
(i) Develop ongoing training for FTOs

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 (11 CCR 1004(c)).

417.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the San Fernando Police Department who has successfully completed a POST approved Basic Academy.

417.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

417.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the San Fernando Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations adopted by the San Fernando Police Department.

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417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis utilizing the LEFTA system.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

417.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

417.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

417.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

417.7 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) b. Sergeant weekly evaluations

(c) End of phase evaluations

(d) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

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Obtaining Helicopter Assistance

418.1 PURPOSE AND SCOPE

The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

418.2 REQUEST FOR HELICOPTER ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

In some instances or incidents, the urgency of the need for a helicopter will result in a request from an officer in charge of a specific incident or scene. A request by the officer should be processed by Communications unless the Watch Commander specifically advises to cancel the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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Contacts and Temporary Detentions

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

419.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous 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 - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

419.2 POLICY

The San Fernando Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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419.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the San Fernando Police Department to strengthen community involvement, community awareness, and problem identification.

419.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

419.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(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 weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officer should be positioned to ensure safety and should not be involved in the search.

419.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed 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.

419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the Detectives Supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Bureau.

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When a photograph is taken in association with a particular case, the investigator 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 shall be retained in accordance with the established records retention schedule.

419.5.4 SUPERVISOR RESPONSIBILITIES

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 is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

419.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available officers for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by San Fernando Police Department officers.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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Criminal Organizations

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the San Fernando Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

420.2 POLICY

The San Fernando Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any

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supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

420.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the Detective Divisions's Commander or his/her designee'sresponsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General’s office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the Detective Division Commander or his/her designee shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the [department/office], the basis for that designation and the name of the agency that made the designation. The [department/office] shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the Detective Division Commander. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the [department/office]’s decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The Detective Division Commander or his his/her designee should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

420.4 TEMPORARY INFORMATION FILE

No employee may create or keep files on individuals that are separate from the approved criminal intelligence system. However, employees may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the Department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Office, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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420.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

420.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

420.7 CRIMINAL STREET GANGS

The Detective Division Commander should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

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(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

420.8 TRAINING

The Training Manager should assure training is provided on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

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Watch Commanders

421.1 PURPOSE, SCOPE AND RESPONSIBILITIES

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 Sergeant heads each watch. It is the responsibility of each Watch Commander working uniformed patrol to complete the Sergeant's Daily Work Sheet/Report for each day worked. This report will be turned into the Division Commander at the end of each watch. The sergeant will complete each block as appropriate. Additionally, the Watch Commander should not any officer assigned to that watch who is shown on payroll as sick, injured on duty, on vacation, or any other payroll category.

Under no circumstances shall an officer other than an FTO cover for the Watch Commander without the prior express approval of the Patrol Division Commander.

421.1.1 SERGEANT'S DAILY REPORT

A. Start of Shift

Check boxes are provided for those items for which the Watch Commander is responsible. These items include Roll Call, the Daily Desk Report, Wanted Bulletins, Vacation Checks, W/C Briefing Info, W/T Inventory, Weapons Inventory, Subpoena Book, Prisoner Check, and Training.

B. Remarks

Under Remarks, the Watch Commander should include any comments concerning the watch. As a minimum, the following remarks should be included for each watch:

- Roll call. All personnel shall be present or accounted for and this shall be noted. Anyone not present or accounted for shall be noted. Anyone late for duty shall also be noted at this time.
- Training. At the beginning of each watch each sergeant should present, or have presented, training designed for the needs of the watch. This should include but not be limited to recent court decisions, state and city statutes, departmental orders, and other job related information.
- Citizen's Complaints. Any citizen complaining about the conduct of any department employee should be noted. This should include the citizen's name, telephone number, the employee complained about, the nature of the complaint and the sergeant's action.
- Major Incidents. Any incident requiring that senior department personnel be notified. The Patrol, Detectives, or Support Services Commander, or the Chief of Police, as applicable, shall be noted on the Daily Work Sheet.

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- Employee Counseling/Commendation. Sergeants should be providing regular feedback to all employees on their work performance. This should be documented for future reference when completing performance evaluations. Any adverse comments entered about a police officer shall first be read by and signed by the officer. The police officer may, within 30 days, file a written response to such adverse comments. If said comments reflecting a verbal statement are noted on the sergeant's log, the police officer should initial the entry.
- Building/Equipment/Supplies. Any building, equipment, or supplies needs should be documented as soon as they are noted so that the problem can be corrected.

421.2 DESIGNATION AS ACTING WATCH COMMANDER

When a sergeant is unavailable for duty as Watch Commander, in most instances a Field Training Officer shall be designated as acting Watch Commander. This policy does not preclude designating officers with less seniority as an acting Watch Commander when operational needs require, or training permits.

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Mobile Digital Terminal Use

422.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

422.2 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

422.3 POLICY

San Fernando Police Department employees using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

422.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Employees shall not access the MDT system if they have not received prior authorization and the required training. Employees shall immediately report unauthorized access or use of the MDT by another employee to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that an employee has questions about sending a particular message or accessing a particular database, the employee should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another employee's name or to use the password of another employee to log in to the MDT system unless directed to do so by a supervisor. Employees are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

422.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

422.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a [dispatcher should be communicated by voice over the police radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(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 should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the employee shall document it via the MDT.

422.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDT system.

Officers responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

422.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the officer does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the officer. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Employees should ensure a field supervisor or the Watch Commander is notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

422.6 EQUIPMENT CONSIDERATIONS

422.6.1 MALFUNCTIONING MDT

Whenever possible, officers will not use vehicles with malfunctioning MDTs. Whenever officers must drive a vehicle in which the MDT is not working, they shall notify the Communications Center and Watch Commander on duty. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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422.6.2 BOMB CALLS

When investigating reports of possible bombs, officers should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

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Portable Audio/Video Recorders

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by employees of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any San Fernando Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

423.2 POLICY

The San Fernando Police Department may provide employees with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between employees of the Department and the public.

423.3 EMPLOYEE PRIVACY EXPECTATION

All work related recordings made by employees on any Department-issued device at any time, and any work related recording made while acting in an official capacity for this Department, regardless of ownership of the device it was made on, shall remain the property of the Department. Employees shall have a reduced expectation of privacy or ownership interest in the content of these recordings.

423.4 EMPLOYEE RESPONSIBILITIES

Prior to going into service, each uniformed employee will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order with a charged battery. If the recorder is not in working order or the employee becomes aware of a malfunction at any time, the employee shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed employees shall wear the recorder in a conspicuous manner that allows for full functionality of the recorder and for optimized recording capabilities. Employees shall notify persons that they are being recorded, whenever reasonably practicable.

Any employee assigned to a non-uniformed position may carry an approved portable recorder at any time the employee believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed employees shall wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned employee shall record his/her name, SFPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required

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when the recording device and related software captures the user's unique identification and the date and time of each recording.

Employees shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the employee deactivated the recording. Employees shall include the reason for deactivation.

423.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors shall take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

423.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder shall be used, although there are many situations where its use is appropriate. Employees shall activate the recorder any time the employee believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated by uniformed personnel and supervisors (and, if applicable, non-uniformed personnel) in any of the following situations unless articulable and reasonable factors are present not warranting activation:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations involving contact with the public or suspects;

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops;

(c) Self-initiated activity in which an employee would normally notify the Communications Center;

(d) When handling domestic violence incidents or other incidents where violence is alleged to be occurring or just occurred;

(e) When a private party indicates that he/she desires to make a complaint; or

(f) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording, such as emotionally charged incidents or incidents where violent reactions of the involved party are likely.

Employees shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the employee that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording shall be considered using this same criterion. Recording shall resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

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At no time is an employee expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder shall be activated in situations described above as soon as reasonably practicable.

423.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Employees of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the employee reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Employees shall not surreptitiously record another department employee without a court order and only when authorized by the Chief of Police or the authorized designee. All surreptitious recordings will be made in accordance with state and federal law.

423.5.2 CESSATION OF RECORDING

Once activated, the portable recorder shall remain on continuously until the employee reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Employees shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

423.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices shall not be used where an explosive device may be present.

423.6 PROHIBITED USE OF PORTABLE RECORDERS

Employees are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Employees are also prohibited from retaining recordings of work related activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Employees shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Employees are discouraged from using personally owned recording devices while on-duty. Any employee who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and shall notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any employee for the purpose of embarrassment, harassment or ridicule.

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423.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM
The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

423.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, employees shall download, mark and tag all recordings in accordance with procedure and document the existence of the recording in any related case report.

An employee shall transfer, tag and mark recordings at the end of each work shift and note if:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time an employee reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the employee shall promptly notify a supervisor of the existence of the recording.

423.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, employees shall review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, employees shall not retain personal copies of recordings. Employees shall not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any employee of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

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All recordings shall be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity shall not be publicly released unless disclosure is required by law or order of the court.

423.9 COORDINATOR

The Chief of Police or the authorized designee shall appoint an employee of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

423.10 RETENTION OF RECORDINGS

Recordings of the following shall be retained for a minimum of two years (Penal Code § 832.18):

(a) Incidents involving use of force by an officer

(b) Officer-involved shootings

(c) Incidents that lead to the detention or arrest of an individual

(d) Recordings relevant to a formal or informal complaint against an officer or the San Fernando Police Department

Recordings containing evidence that may be relevant to a criminal prosecution shall be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings shall be retained permanently (Penal Code § 832.18).

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423.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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Medical Marijuana

424.1 PURPOSE AND SCOPE

The purpose of this policy is to provide employees of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

424.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the State California Department of Public Health Services to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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424.2 POLICY

It is the policy of the San Fernando Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The San Fernando Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

424.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

424.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

424.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

424.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or, delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

424.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available [department/office] resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

424.3.5 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

424.3.6 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

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(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

424.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

424.5 PROPERTY AND EVIDENCE OFFICE SUPERVISOR RESPONSIBILITIES

The Property Control Officershould ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property Control Officer is not responsible for caring for live marijuana plants.

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property Control Officerr should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property Control Officer may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Division Commander.

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Bicycle Patrol Unit

425.1 PURPOSE AND SCOPE

The San Fernando Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

425.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Patrol Division Commander or his/her designee. .

425.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a memorandum of interest to the Patrol Division Commander.. Qualified applicants will then be invited to an oral interview. The oral board will consist of two interviewers as designated by the Chief of Police Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as it pertains to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

425.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Chief of Police or his/her designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.

(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.

(c) Scheduling maintenance and repairs.

(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with other Department divisions.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

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425.4 TRAINING

Participants in the program must complete a POST- approved bicycle-training course after acceptance into the program prior to deployment to the position. Thereafter bicycle patrol officers should receive once yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers may be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

425.5 UNIFORMS AND EQUIPMENT

Bicycles officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle. Safety equipment includes departmentally approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is also required..

The bicycle uniform consists of the standard short sleeve uniform shirt or black Coolmax® type shirt with department approved badge and patches and black bicycle patrol pants or shorts with uniform appearance.

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt, radio head set and microphone.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

425.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

425.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.

(b) While engaged in rescue operations.

(c) In the immediate pursuit of an actual or suspected violator of the law.

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Foot Pursuits

426.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

426.2 DECISION TO PURSUE

The safety of officers 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 members.

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 re-evaluated 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 justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

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 may place department members 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.

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 a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) 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 foot pursuit.

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426.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The officer is acting alone.

(c) 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) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspects should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(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 members 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 environmental conditions.

426.4 RESPONSIBILITIES IN FOOT PURSUITS

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426.4.1 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, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

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 foot 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 the dispatcher 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, to include requesting medical aid as needed for officers, suspects or members of the public.

426.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

426.4.3 SUPERVISOR RESPONSIBILITIES

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 to be physically present to exercise control over the foot 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.

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Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

426.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.
(b) Coordinating pursuit communications of the involved officers.
(c) Broadcasting pursuit updates as well as other pertinent information as necessary.
(d) Ensuring that a field supervisor is notified of the foot pursuit.
(e) Notifying and coordinating with other involved or affected agencies as practicable.
(f) Notifying the Watch Commander as soon as practicable.
(g) Assigning an incident number and logging all pursuit activities.

426.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Involved vehicles and officers.
(f) 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 Use of Force Policy.
(g) Arrestee information, if applicable.
(h) Any injuries and/or medical treatment.
(i) Any property or equipment damage.
(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted. This information should at minimum be documented in the watch commander log.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report and the watch commander will document this in the watch commander log.

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426.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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Automated License Plate Readers (ALPRs)

427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

427.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the San Fernando Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Chief of Police or his designee, who will assign officers under his/her command to administer the day-to-day operation of the ALPR equipment and data.

427.2.1 ALPR ADMINISTRATOR

The Chief of Police or his/her designee shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

427.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department employees shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

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(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No employee of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

427.4 DATA COLLECTION AND RETENTION

The Chief of Police or his/her designee is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

427.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The San Fernando Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

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(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

427.6 POLICY

The policy of the San Fernando Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

427.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Administrative Services Division Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

427.8 TRAINING

The Training supervisor should ensure that employees receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Homeless Persons

428.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The San Fernando Police Department recognizes that members of the homeless community are often in need of special protection and services. The San Fernando Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

428.1.1 POLICY

It is the policy of the San Fernando Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and employees of this department will not use homelessness solely as a basis for detention or law enforcement action.

428.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate an employee of this department to act as the Department's Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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428.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

428.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

428.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a

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supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department's Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should consult the watch commander or the Department's Homeless Liaison before taking action involving the property. Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the officer to consult the watch commander for direction and additional resources..

428.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

428.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Crisis Intervention Incidents

429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

429.1.1 DEFINITIONS

Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

429.2 POLICY

The San Fernando Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

429.3 SIGNS

Employees should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Employees should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

429.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

429.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether or not a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

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(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

429.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding personnel should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

429.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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429.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

429.9 INCIDENT REPORTING

Employees engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Employees having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

429.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

429.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian employees may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Employees should treat all individuals equally and with dignity and respect.

(b) If an employee believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Employees should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the employee feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the employee to believe that the person

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

429.11 EVALUATION

The Division Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

429.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department employees to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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Public Recording of Law Enforcement Activity

430.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve employees of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

430.2 POLICY

The San Fernando Police Department recognizes the right of persons to lawfully record employees of this department who are performing their official duties. Employees of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

430.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

430.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

430.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

430.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

431.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

431.2 POLICY

The San Fernando Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

431.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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431.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

431.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

431.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

431.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

431.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for the following:

(a) Command assignments, chain of command structure, roles and responsibilities

(b) Staffing and resource allocation

(c) Management of criminal investigations

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields)

(e) Deployment of specialized resources

(f) Event communications and interoperability in a multijurisdictional event

(g) Liaison with demonstration leaders and external agencies

(h) Liaison with City government and legal staff

(i) Media relations

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation

(k) Traffic management plans

(l) First aid and emergency medical service provider availability

(m) Prisoner transport and detention

(n) Review of policies regarding public assemblies and use of force in crowd control

(o) Parameters for declaring an unlawful assembly

(p) Arrest protocol, including management of mass arrests

(q) Protocol for recording information flow and decisions

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force

(s) Protocol for handling complaints during the event

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431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

431.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Taser™s should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by an officer of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

431.8 ARRESTS

The San Fernando Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

431.9 MEDIA RELATIONS

The Chief of Police or his/her designee should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

431.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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431.11 POST EVENT

The Incident Commander should designate an officer to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

431.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

431.12 TRAINING

Department employees should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

432.1 PURPOSE AND SCOPE

This policy provides employees of the San Fernando Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

432.2 POLICY

The San Fernando Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, employees of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, employees will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

432.3 GENERAL CONSIDERATIONS

When appropriate, employees handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Employees must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, employees should give consideration to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and employees should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Employees should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Employees shall not provide information which reasonably may be considered legal advice (and state, if appropriate, that they are not providing such advice); however, when appropriate, employees should inform the parties when they are at risk of violating criminal laws.

(d) Employees are reminded that they shall not enter a residence or other non-public location without legal authority including without limitation valid consent.

(e) Employees should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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432.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

432.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The employee may advise the person to seek private legal advice as to the distribution of disputed property.

Employees should accompany the person to the location of the property. Employees should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the employee will not allow entry into the location or the removal of property from the location.

432.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

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432.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Suspicious Activity Reporting

433.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

433.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that an employee reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity when directed by a supervisor. Otherwise, such activity can be documented in a CAD report and the Watch Commander log.

433.2 POLICY

The San Fernando Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

433.3 RESPONSIBILITIES

The Detective Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Detective Division Commander include, but are not limited to:

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(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow officers to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that officers are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

433.4 REPORTING AND INVESTIGATION

Any department employee receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian employee who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the employee should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

433.5 HANDLING INFORMATION

Records will forward copies of SARs, in a timely manner, to the following:

- Detective Division Commander
- Other authorized designees

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Medical Aid and Response

434.1 PURPOSE AND SCOPE

This policy recognizes that employees often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

434.2 POLICY

It is the policy of the San Fernando Police Department that all officers and other designated employees be trained to provide emergency medical aid and to facilitate an emergency medical response.

434.3 FIRST RESPONDING OFFICER RESPONSIBILITIES

Whenever practicable, employees should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the employee can safely do so.

Prior to initiating medical aid, the employee should contact the Communications Center and request response by the Los Angeles Fire Department (LAFD) as the employee deems appropriate.

Employees should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Employees should use a barrier or bag device to perform rescue breathing.

When requesting LAFD, the employee should provide the Communications Center with information for relay to LAFD personnel in order to enable an appropriate response, including:

(a) The location where LAFD is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of LAFD, such as:

1. Signs and symptoms as observed by the employee.
2. Changes in apparent condition.
3. Number of patients, sex and age, if known.
4. Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Employees should stabilize the scene whenever practicable while awaiting the arrival of LAFD.

Employees should not direct LAFD personnel whether to transport the person for treatment.

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434.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, employees should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Employees should not provide emergency escort for medical transport or civilian vehicles.

434.5 PERSONS REFUSING LAFD CARE

If a person who is not in custody refuses LAFD care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, employees may assist LAFD personnel when LAFD personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires LAFD care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Employees shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

434.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

434.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are

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victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMSresponse.

The Watch Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department employee at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Employees should direct vehicle and pedestrian traffic away from the landing zone.

Employees should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

434.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

An employee may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

434.8.1 AED USER RESPONSIBILITY

Officers who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to their supervisor who is responsible for ensuring appropriate maintenance.

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Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any employee who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

434.8.2 AED REPORTING
Any employee using an AED will complete an AEDincident report detailing its use including requesting a DR number for such use.

434.8.3 AED TRAINING AND MAINTENANCE
The Training supervisor should ensure appropriate training and refresher training is provided to employees authorized to use an AED. A list of authorized employees and training records shall be made available for inspection by the LAFD upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training supervisor is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

434.9 NARCAN ADMINISTRATION
434.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained employees may administer opioid overdose medication (Civil Code §1714.22; Business and Professions Code § 4119.9, Health and Safety Code, Title 22, Div. 9, Ch. 1.5.).

434.9.1 OPIOID OVERDOSE MEDICATION RESPONSIBILITIES

Employees who are qualified to administer opioid overdose medication, such as Naloxone (Narcan), should handle, store and administer the medication consistent with their training. Employees should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Watch Commander. In the event EMS (LAFD) responds to the scene of the incident where the Naloxone has been used, it is acceptable to have LAFD properly dispose of the unserviceable equipment.

Any employee who administers an opioid overdose medication should contact Communications as soon as possible and request EMS (LAFD). Trained employees administering the opioid medication shall communicate their name, PSN number, and pertinent patient information to the responding EMS Provider (LAFD).

The Training Supervisor will be responsible for conducting monthly inspections of the medication.

434.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any employee administering opioid overdose medication should detail its use in any appropriate incident report and complete a San Fernando Police Department Naloxone Administrative Report.

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The Training Supervisor will ensure that the designated Medical Review Officer is provided enough information to meet applicable state reporting requirements, and at a minimum, all Naloxone Administrative Reports are reviewed by the Medical Review Officer.

In addition, the Training Supervisor will transmit quarterly reports to Los Angeles County Emergency Medical Services as required until such time the County establishes an online real time data collection system to receive such reports and will then comply with the timely reporting requirements.

434.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Supervisor should ensure initial and refresher training is provided to employees authorized to administer opioid overdose medication. Training will be provided by employees of the department certified by LASD as trainers to provide opioid overdose medication administration complying with the requirements of Title 22 CCR 10019 and any applicable POST Standards (Civil Code §1714.22).

434.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

The Training Supervisor shall ensure the destruction of any expired opioid medication (Business and Professions Code §4119.9).

434.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with established records retention schedule and at minimum of three years from date the record was created (Business and Professions Code §4119.9).

434.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting LAFD when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

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434.11 FIRST AID TRAINING

The Training supervisor should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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Mobile Audio/Video

435.1 PURPOSE AND SCOPE

The San Fernando Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

435.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio/Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

435.2 POLICY

It is the policy of the San Fernando Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

435.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only San Fernando Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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435.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

435.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
    1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
    2. Priority responses
    3. Vehicle pursuits
    4. Suspicious vehicles
    5. Arrests
    6. Vehicle searches
    7. Physical or verbal confrontations or use of force
    8. Pedestrian checks
    9. DWI/DUI investigations including field sobriety tests
    10. Consensual encounters
    11. Crimes in progress
    12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
    1. Domestic violence calls
    2. Disturbance of peace calls

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3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

435.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Officers shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

435.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No officer of this department may surreptitiously record a conversation of any other officer of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

435.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

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(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

435.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

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(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the command staff to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

435.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

435.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

435.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

435.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the San Fernando Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

435.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer’s recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

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(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

435.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

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435.10 TRAINING

All employees who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This 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.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the San Fernando Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident-causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This [department/office] does not establish ticket 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. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 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

500.3.3 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, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles through the Department's Record's Division.

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Traffic Collision Reporting

501.1 PURPOSE AND SCOPE

The San Fernando Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and, as a public service, makes traffic collision reports available to the community with some exceptions.

501.2 RESPONSIBILITY

The Training Manager will be responsible for distribution of the Collision Investigation Manual. The Training Manager will receive all changes in the state manual and ensure conformity with this policy.

501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of the San Fernando Police Department shall be forwarded to the Watch Commander for approval and data entry into the San Fernando Police Department Records Management System. The Records Supervisor will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Support Services Division Commander, or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A CAD report may be taken in lieu of a traffic collision report (CHP 555 form) when the collision occurs on private property or does not involve another vehicle and this is acceptable to the reporting party. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor. Photographs taken shall be saved to a CD and also copies printed in color for the DR file, marked with the DR number.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the San Fernando Police Department resulting in a serious injury or fatality, the Watch Commandermay notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

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501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, or Vehicle Code violation. A CAD Report may be taken at the discretion of the officer in these cases..

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision

(b) When there is an identifiable violation of the Vehicle Code

(c) When a report is requested by any involved driver or party to the collision.

(d) City or other Government owned Property is involved.

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Vehicle Towing and Release

502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the San Fernando Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 VEHICLE STORAGE REPORT

Department employees 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 to be given to the tow truck operator and the original shall be submitted to Records as soon as practicable after the vehicle is stored.

502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred tow company requested, dispatch will contact the City's contracted official tow provider.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of San Fernando. The officer will then store the vehicle using a CHP Form 180.

502.2.3 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 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.

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- 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.

502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

502.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the official tow garage and document this in CAD.

502.2.6 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

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(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES

The City of San Fernando periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm 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.

The Department follows the attached guidelines. See attachment: Vehicle Storage Procedure (1).pdf

502.4 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. Employees 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.

502.5 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.

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502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

502.7 RELEASE OF VEHICLE

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or person in control of the vehicle and after all applicable fees are paid (Vehicle Code §§ 22850.3 and .5).

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(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code §§ 22651 (et seq.), 22652 (et seq.), 22850.3 and .5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) and impounded for 30 days shall be released at the end of the impoundment period only when the registered owner or agent presents his/her valid driver's license and proof of current vehicle registration, or upon order of a court (Vehicle Code § 14602.6(d)(2)).

(d) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his or her agent with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30 day impoundment period under any of the following circumstances (Vehicle Code § 14602.6(d)(1)):

1. In response to a valid order of a court.
2. When the vehicle is a stolen vehicle.
3. When the vehicle is subject to bailment and is driven by an unlicensed employee of a business establishment, including a parking service or repair garage.
4. When the license of the driver was suspended or revoked for an offense other than those included in Article 2 (commencing with Vehicle Code § 13200) of Chapter 2 of Division 6 or Article 3 (commencing with Vehicle Code § 13350) of Chapter 2 of Division 6.
5. When the vehicle was seized under this section for an offense that does not authorize the seizure of the vehicle.
6. When the driver reinstates his or her driver's license or acquires a driver's license and proper insurance.
7. To the legal owner when all of the following are met:
    (a) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle.
    (b) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle.
    (c) The legal owner or the legal owner's agent presents a copy of the documents specified in Vehicle Code § 14602.6(f)(3).

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Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 VEHICLE STORAGE PROCEDURES

The following sets forth procedures to be provided in writing to persons whose vehicles have been stored or impounded by the Department:

The City of San Fernando currently utilizes the services of Black and White Towing, Inc., for vehicle impounds and storage.

Black and White Towing is located at 10857 San Fernando Road in the City of Pacoima and their phone number is 818-896-9511. They are open 24 hours per day, seven days per week and have customer parking conveniently located directly in front of their office.

If your vehicle has been impounded and you need to obtain a release for the vehicle, the **REGISTERED OWNER** of that vehicle needs to provide the following:

1. Proof of ownership
2. A valid driver's license
3. Administrative payment of $50.00 in the form of cash or debit card (additional $3.00 fee for debit cards).

The department will process your payment and provide you with a vehicle release form that you need to take to Black and White Towing. Once at Black and White Towing, present the release form and they will charge you a separate fee for the cost of towing and storage at their facility. Please refer to the Black and White Towing Fee Schedule below:

Initial Storage:	$130.00
Daily Storage Fee:	$40.50 plus tax

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*Additional storage fees may apply.

Right to a Post Storage Administrative Hearing:

Per 22852 of the California Vehicle Code, you have the right to a hearing to determine the validity of the storage. Your request for a hearing shall be received at San Fernando PD within **ten (10) days** from the date of notice. If you request a hearing, it will be conducted within **48 hours** of the request **excluding weekends and holidays.** The vehicle storage hearing is an informal process to determine whether or not a vehicle was lawfully stored.

The hearings can be completed in person, in writing or via telephone. Please complete the **San Fernando Police Department Post Storage Hearing Request** form available from the police department or the tow company.

503.3 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any employee of the San Fernando Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer shall be the Detetitve Division Commander or their designee and shall not be the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.3.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Detective Division Commander Watch Commander will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial

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burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a memorandum to the Chief of Police. The hearing officer will recommend to the Chief of Police that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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Impaired Driving

504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

504.2 POLICY

The San Fernando Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

504.2.1 TESTING OF UNCONSCIOUS PEDESTRIAN AT A HOSPITAL

When there is probable cause to believe that an unconscious pedestrian has been involved in a traffic collision because of his/her intoxicated condition, a blood sample may be extracted as evidence. The officer shall advise the attending physician of his/her intention to extract a blood sample, and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner.

504.2.2 EXIGENT CIRCUMSTANCES DOCTRINE

Under the exigent circumstances doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. The above sections will generally come within the guidelines of the exigent circumstances doctrine.

504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Detective Division Commander will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

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504.4 FIELD TESTS

The Detective Division Commandershould identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable suspicion to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable suspicion to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.2 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable suspicion to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable suspicion to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

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If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

504.5.4 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable suspicion to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

504.5.5 BREATH SAMPLES

The Patrol Division Commander or his/her designee should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Watch Commander.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer’s belief shall be included in the officer’s report (Vehicle Code § 23612(a)(2)(C)).

504.5.6 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

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The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

504.5.7 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

504.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

504.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

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504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

504.7 ARREST AND INVESTIGATION

504.7.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has probable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

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(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.7.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV) via the department's record divsions

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory via proper booking of the evidenceif the person submitted to a blood or urine test.

504.8 RECORDS RESPONSIBILITIES

The Records supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

504.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.10 TRAINING

The Training supervisor should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training supervisor, with the concurrence of the Detective Division Commander,should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 RESPONSIBILITIES

The Support Services Commander shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

Records shall be responsible for the supply and accounting of all traffic citations books issued to employees of this department.

505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Watch Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Watch Commander may recommend dismissal of the traffic citation. The citation dismissal form requires the requesting officer complete it and the Watch Commander, Patrol Commander and Chief approve such recomendation. If dismissal is approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Watch Commander for review.

505.4 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 shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a form requesting a specific correction to his/her immediate supervisor. The citation and form shall then be forwarded to Records. Records shall prepare a form of correction to the court having jurisdiction and to the recipient of the citation.

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505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by employees of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with Records.

Upon separation from employment with the this department, all employees issued traffic citation books shall return any unused citations to Records.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels: (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Patrol Division Commander, or their designee, who will review written/documentary data. Requests for administrative reviews are available at the front desk of the San Fernando Police Department. 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. Independent referees review 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.

505.7.2 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 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

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(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(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.

505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

506.1 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.

506.2 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 or community service officer to respond for assistance as soon as practical.

506.3 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.

506.3.1 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.

506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by employees of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department employee may stay with the disabled motorist or transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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72-Hour Parking Violations

507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the San Fernando City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of San Fernando 72-Hour Parking Ordinance shall be marked and noted on the San Fernando Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to Records for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to Records.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 MARKED VEHICLE FILE

Records shall be responsible for maintaining a file for all Marked Vehicle Cards.

Community Service Officers shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer of community services officerauthorizing the storage of the vehicle.

The storage report form shall be submitted to Communications immediately following the storage of the vehicle. It shall be the responsibility of Communications to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

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72-Hour Parking Violations

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of Records to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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Administrative Per Se Law (APS)

508.1 PURPOSE AND SCOPE

This policy provides for the immediate suspension of California driver's licenses in certain Driving Under the Influence (DUI) cases and in Zero Tolerance incidents. Vehicle Code §§ 13382 (a) and (b), and 13388 (b) require that peace officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code §§ 23152 and 23153. This policy also describes the policy dealing with Zero Tolerance laws.

508.2 SUSPENSION OF CALIFORNIA DRIVER'S LICENSES

The driver's license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:

(a) The arrestee refuses to submit to a chemical test

(b) The arrestee fails to complete the selected test

(c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting officer has reasonable cause to believe that the arrestee's Blood Alcohol Content (BAC) will exceed the .08-percent level

(d) The arrestee completes the breath tests which show a BAC of .08-percent or higher

508.2.1 ZERO TOLERANCE LAW

Vehicle Code §§ 23136 & 23140 were enacted to reduce alcohol related incidents by persons under the age of 21-years. A person under 21-years years of age may have his or her license suspended under the following circumstances:

(a) When suspected of consuming alcohol and refusing a PAS test

(b) Who has a blood-alcohol level of .01-percent or greater

Zero Tolerance requires a Preliminary Alcohol Screening (PAS) device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If, based on the PAS results, the driver's blood alcohol reading warrants arrest and further chemical testing, the Department of Motor Vehicles does not require completion of the chemical test section of the DS367m form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

508.3 PEACE OFFICER'S RESPONSIBILITY

In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:

(a) Confiscate any California driver's license(s) in the possession of the driver. If the subject has an Admin Per Se (APS) temporary license document, do not confiscate.

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(b) Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s - Officer's Statement and Order of Suspension), 4th page on the driver, regardless of license status.

(c) The officer will inform the driver that the "Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s' along with his/her violator's notice to appear (except Zero Tolerance) or other release from custody document, will serve as the driver's temporary license. If the driver's privilege to drive is suspended or revoked, the order will not be a valid temporary license. If the subject presents an Admin Per Se suspension order/temporary license, do not confiscate the order but do issue another order pursuant to the current DUI arrest.

508.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION

The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

(a) Officer's Statement form DS367 or DS367m (Minor) or DS367s (Spanish)

(b) Order of suspension (form DS367, DS367m or DS367s, pages 2 and 3)

(c) Copy of the printout of the breath test (if taken)

(d) Traffic collision report if applicable

(e) The offender's driver's license

508.5 PROCESSING OF FORMS

In order to ensure that the Department of Motor Vehicles and Police Department forms are routed properly, the following responsibilities are identified:

508.5.1 SUPERVISORY APPROVAL

The Watch Commander, or the supervisor responsible for approving reports, shall collect the documents described in § 526.4, review for completeness (dates, times, signatures, etc.) and forward the originals of the documents to Records.

508.5.2 RECORDS UNIT RESPONSIBILITY

Records is responsible for the following:

(a) Copies of documents required by DMV are to be made for the department files and the originals are then to be forwarded to the Department of Motor Vehicles;

(b) Maintaining a copy of DMV form DS367, DS367m or DS367s.

(c) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367 and maintained by Records.

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(d) Records is also responsible for keeping and updating a case log on all persons arrested for DUI. Information on that log shall include:

1. Case number
2. Arrested driver's name
3. The date the forms were received in the Records Unit
4. The date the forms were returned to the officer for corrections if applicable
5. The date form DS367 was mailed to the DMV
6. Which test the arrested driver chose

If the Department of Motor Vehicles should return form DS367, DS367m or DS367s for corrections, Records must notify the officer who made the arrest of the needed corrections. The officer shall make the corrections by lining out the incorrect information with a single line and initialing above the corrected area, including the date the correction was made. White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to Records to be returned to the Department of Motor Vehicles.

508.5.3 PROPERTY CONTROL OFFICER RESPONSIBILITY

It is the responsibility of the property control officer to promptly deliver physiological specimens to the designated crime lab as soon as possible after receipt to ensure that the above time requirements are met.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the San Fernando Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Detective Division Commander. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

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5. Collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 CIVILIAN EMPLOYEE RESPONSIBILITIES

A civilian employee assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

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600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners, if available, assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by employees while on-duty and for purposes related to the mission of this department. If an employee encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the employee should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The employee, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Chief of Police or his/her designee. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Detective Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

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Employees shall only use approved devices and usage shall be in compliance with department security procedures, the Department's usage and privacy procedures and all applicable laws.

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Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the San Fernando Police Department that its employees, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART, if available.

(g) Work in coordination with CATS (Center for Assault Treatment Services).

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601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Division Commander should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Employees who are first responders. Training should include:

  (a) Initial response to sexual assaults.

  (b) Legal issues.

  (c) Victim advocacy.

  (d) Victim's response to trauma.

  (e) Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators who should receive advanced training on additional topics. Advanced training should include:

  1. Interviewing sexual assault victims.

  2. SART.

  3. Medical and legal aspects of sexual assault investigations.

  4. Serial crimes investigations.

  5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).

  6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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Whenever possible, a member of CATS should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2 and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 697.04).

    2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

601.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this Department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

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601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Employees investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant

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delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Employees should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, employees investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

    (a) Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

    (b) Absent a written request, no employee of this [department/office] is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):

    1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

    2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

    3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

    1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

    2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Office supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

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601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Division Commander.

Classification of a sexual assault case as unfounded requires the Detective Division Commander to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Detective Division Commander should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART, CATS and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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Case Screening

602.1 PURPOSE AND SCOPE

This procedure establishes the use of priorities for screening Detective Case Assignments. This ensures that Detectives are investigating those cases that have a greater likelihood of being resolved.

602.2 POLICY

The Police Department has a responsibility to investigate reported crimes to the fullest extent possible. Additionally, it has a responsibility to use its personnel in an effective and efficient manner. Screening cases is a method of assigning to investigators those prioritized cases that have a reasonable likelihood of being resolved.

602.3 PROCEDURES

(a) Felony and Misdemeanor In-Custody Arrests - Cases that involve felony and misdemeanor in-custody arrestees receive first priority.

(b) Screening of Non-Custody Cases - The Detective Commander shall assign all other non-custody cases using the following criteria:

1. In the original report, is the suspect named by the victim, known to the police, or otherwise readily identifiable?
2. Is the stolen property traceable?
3. Was a suspect vehicle identified?
4. Is there significant physical evidence?
5. Is there a recognizable Modus Operandi?
6. What is the seriousness of the crime?
    (a) Any crime involving violence or injury to the victim should be assigned a high priority.
    (b) Thefts involving large amounts of stolen property take precedence over smaller thefts.
    (c) Other reasons as determined by the Detective Commander that require that this case should be further investigated.
7. Was there only a limited opportunity to commit the crime?
8. Is there any likelihood that informants or media publicity may assist the investigation?
9. Are there any witnesses to the crime available?
10. Is there a possible relationship between the crime and any other occurrence?

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(c) Cases that do not involve arrestees shall be prioritized into one of the following categories prior to being assigned:

(a) Assigned; Follow-up Required. This includes all cases, such as those described above, that have significant investigative leads and/or circumstances that require a follow-up investigation. A Case Disposition Report is required to report the results of the investigation.

(b) Information Only ("FYI" Reports). No Follow-up Report Required. This category includes cases that do not contain apparent leads in the initial reports; i.e., information only reports.

(a) Detectives will be expected to investigate these cases when assigned cases have been handled.

(b) These cases shall be reviewed by Detectives and the Detective Commander to ensure knowledge of crime trends within their areas of responsibility.

(c) Detectives shall not be required to routinely contact "FYI" report victims.

(c) Contact Letters (FYI L). This category includes cases that do not contain apparent leads in the initial reports, however the Detective Commander wants the Detective to send a contact letter to the victim.

(d) Detective Follow-up Record - The Detective Commander may maintain a manual system to track assigned cases, referred to as the Detective Follow-up Record.

(e) Automated Case Management System - The Detective Commander shall also ensure that each case is entered into the Automated Case Management System. Each case should document to whom the case was assigned, its priority, and its final disposition

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Case Disposition Report

603.1 PURPOSE AND SCOPE

The purpose of this policy is to document the follow-up actions taken by Detectives and to update the status of criminal investigations.

603.2 POLICY

Detectives will complete and submit to the Detective Commander a Detective Case Disposition Report for each assigned criminal investigation.

603.3 PROCEDURE

(a) Case Disposition Report Required - A Detective Case Disposition Report is required for each assigned In-Custody and Case. The completed disposition report will be submitted to the Detective Commander when one of the following conditions exists:

1. The case can be closed because the suspect(s) have/has been arrested; a warrant has been issued; a missing person has returned; restitution has been made; the District Attorney has rejected the case; the case is Unfounded; or the victim refuses to prosecute; or
2. All leads have been exhausted, and the case should be suspended.

(b) Status Codes - The following status codes will be used to reflect the case's current status:

1. Civil Case: This reflects that the case is civil in nature rather than criminal.
2. Closed By Other: This reflects that the case is closed; i.e., the suspect has been identified; however the department will be unable to arrest the suspect.
3. DA Hearing: This reflects that the district attorney's office has chosen to refer the suspect for a hearing only and will not prosecute at this time.
4. For Info Only (FYI): This category includes cases that do not contain apparent leads in the initial reports; i.e., information only reports. Detectives will be expected to investigate these cases when assigned cases have been handled.
5. Impound or Storage Vehicle Only: This reflects the status of a report only. Generally this status is identified when the case is first entered into the computer.
6. Missing Person Returned: This status reflects that the missing person has returned home or the person's whereabouts have been established satisfactorily to a point that there is no further concern for the person's safety.
7. Pending Active: Generally the case status first assigned to a case prior to any investigation.
8. Restitution Made: Generally involving crimes against property, including theft cases and economic crimes, in which the suspect has made restitution to the victim and the victim has chosen to not prosecute the suspect.

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9. DA Reject: This status reflects that the case has been presented to the Office of the District Attorney and a representative from that office has determined that the suspect identified will not be prosecuted.
    (a) This status is not used when a case is returned for further investigation. In that case the case remains Pending Active.
10. Released to Other Agency: This status reflects that the case has been forwarded to another agency for prosecution. Frequently this occurs when a person has been identified as the suspect for multiple cases and one agency elects to include our case with theirs.
11. Suspect Arrested: This reflects that the suspect has been arrested.
12. Case Suspended Exhausted Leads: This status reflects that the case is still open; i.e., the suspect has not been identified and steps taken to effect the arrest. However, the department has followed up on all available leads yet has been unable to identify the suspect.
13. Case Suspended No Leads: This status reflects that the case is still open, however no leads are available to identify the suspect.
14. Unfounded: This status reflects that no crime occurred.
15. Victim Refused/Declined Prosecution: This status reflects that the victim has clearly stated that he or she does not wish to prosecute the suspect in this case.
16. Warrant Obtained: This status reflects that the suspect has been identified, the case has been presented to the Office of the District Attorney, and an arrest warrant has been issued for the suspect.

(c) Additional Case Disposition Reports Required: A separate Case Disposition Report should be completed each time the status of the case changes (e.g.; if a case is suspended for lack of information and later reopened because of new leads, an additional follow-up report would be required).

(d) Report Narrative (Officer's Comments/Resolution): The narrative section allows the investigator the opportunity to document additional investigative actions or pertinent new information. As a minimum the following information should be included:
    (a) District Attorney's Case Number Required: Detectives must always include the District Attorney's case numbers or warrant numbers if available.
    (b) Types of Remarks: Other agencies contacted, crime scenes examined and evidence inspected are a few of the notations which would be appropriate remarks.

(e) Report Routing: Once completed, the follow-up report shall be forwarded to the Detective Commander.

(f) Property Control: Once reviewed by the Detective Commander, the original follow-up report shall be forwarded to the Property Unit. The Property Unit shall update the status of evidence and property related to that case and disposition items as appropriate.

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(g) Records: The Property Unit shall then forward the report to Records where it will be filed with the original crime report.

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Asset Forfeiture

604.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

604.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the San Fernando Police Department seizes property for forfeiture or when the San Fernando Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors.

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

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1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure -The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

604.2 POLICY

The San Fernando Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the San Fernando Police Department that all employees, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

604.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

604.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review of a supervisor and approval of the Detectve Division Commander and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.
2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

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A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

604.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

604.3.3 SEIZED VEHICLES
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the Detective Division Commander of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

604.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property with the notation in the comment section of the property form, "Seized Subject to Forfeiture" and not booked as evidence. Property seized subject to forfeiture

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should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

604.5 MAINTAINING SEIZED PROPERTY

The Property Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

604.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a Department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

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(f) Ensuring that seizure forms are available and appropriate for Department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

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(j) Ensuring that the process of selling or adding forfeited property to the Department's regular inventory is in accordance with all applicable laws and consistent with the Department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and Department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

604.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

604.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the San Fernando Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

604.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

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Informants

605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

605.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the San Fernando Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the San Fernando Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

605.2 POLICY

The San Fernando Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

605.3 USE OF INFORMANTS

605.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from the Detective Division Commander. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Employees of this department should not guarantee absolute safety or confidentiality to an informant.

605.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Chief of Police or the authorized designee

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605.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by the Detective Division Commander and the Chief of Police before being finalized with the informant.

605.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Detective Division Commander or their authorized designees. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned except at the direction of the handling officer with the prior approval of the Detective Division Commander in the futherance of the case.

(c) Informants shall be told they are not acting as police officers, employees or agents of the San Fernando Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

    (a) Employees shall not become intimately involved with an informant.

    (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Detective Division Commander

    (c) Employees shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Detective Division Commander.

    1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

605.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Employees who become aware that an informant

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may be unsuitable will notify the Detective Division Commander, who will initiate a review to determine suitability. Until a determination has been made by the Detective Division Commander, the informant should not be used by any employee. The Detective Division Commander shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The Detective Division Commander shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

605.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Detective Division. The Detective Division Commander or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Detective Division Commander or their authorized designees.

The Detective Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Detective Division Commander is replaced, the files will be audited before the new Detective Division Commander takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a designee of the Chief of Police who does not have normal access to the informant files.

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605.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

605.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Detective Division Commander will discuss the above factors with the Chief of Police and recommend the type and level of payment subject to approval by the Chief of Police.

605.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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(a) Payments of $500 and under may be paid in cash from a Detective Division buy/ expense fund.

    (a) The Detective Division Commander shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

    1. The check shall list the case numbers related to and supporting the payment.
    2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
    3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
    4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

    1. The cash transfer form shall include the following:
        (a) Date
        (b) Payment amount
        (c) San Fernando Police Department case number
        (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
    2. The cash transfer form shall be signed by the informant.
    3. The cash transfer form will be kept in the informant's file.

605.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

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605.6.3 AUDIT OF PAYMENTS

The Detective Division Commander or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Operations Planning and Deconfliction

606.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

606.1.1 DEFINITIONS

Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

606.2 POLICY

It is the policy of the San Fernando Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of employees and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

606.3 DETECTIVE DIVISION COMMANDER

Chief of Police

The Detective Dvision Commander will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The Detective Dvision Commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The Detective Dvision Commander will also have the responsibility for coordinating operations that are categorized as high risk.

606.4 RISK ASSESSMENT

606.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

606.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor, the Patrol Division Commander and the Detective Division Commander.

The supervisor and Detective Division Commander shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

606.4.3 HIGH-RISK OPERATIONS

If the Detective Division Commander, after consultation with the involved supervisor, determines that the operation is high risk, the Detective Division Commander should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. Crisis response team
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation

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7. Additional surveillance
8. Canines
9. Property and Evidence Office or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department employees or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

606.5 DECONFLICTION

Deconfliction systems (e.g., LACLEAR) are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

606.6 OPERATIONS PLAN

The Detective Division Commander should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

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information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

606.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

606.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The Detective Division Commander shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the Detective Division Commander for officers who are conducting surveillance or working under cover. However, those officers exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the Detective Division Commander to ensure that Communications is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

606.8 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

606.9 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible.

606.10 TRAINING

The Training supervisor should ensure officers and other relevant personnel who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Eyewitness Identification

607.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when employees of this Department employ eyewitness identification techniques (Penal Code § 859.7).

607.1.1 DEFINITIONS

Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

607.2 POLICY

The San Fernando Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

607.3 INTERPRETIVE SERVICES

Employees should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

607.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Division Commander shall be responsible for the development and maintenance of an eyewitness identification process for use by employees when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how confident he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure and documented verbatim.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

607.5 EYEWITNESS IDENTIFICATION

Employees are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Employees should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

607.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

607.6.1 DOCUMENTATION RELATED TO RECORDINGS
The handling employee shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

607.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION
If a presentation of a lineup is not conducted using blind administration, the handling employee shall document the reason (Penal Code § 859.7).

607.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the employee presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the employee presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The employee presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

If a live line-up is considered or ordered, contact the prosecuting agency.

607.7.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how confident he/she is of the identification or non-identification. Employees should not say anything to a witness that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

607.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where circumstances make it impracticable to conduct a photo or live lineup identifications.

When initiating a field identification, the employee should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

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(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, employees should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

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Brady Material Disclosure

608.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

608.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the San Fernando Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

608.2 POLICY

The San Fernando Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the San Fernando Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

608.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or attorney-client information, attorney work product), the officer should discuss the matter with the Detective Division Commander who may need to review the matter with the case-assigned prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

If the Detective Division Commander is uncertain about whether evidence or facts are material, he/she should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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608.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of an employee of this Department who is a material witness in a criminal case, 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 pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any employee who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

608.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that an employee may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

608.6 TRAINING

Department employees should receive periodic training on the requirements of this policy.

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Unmanned Aerial System (UAS) Operations

609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

609.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

609.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

609.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

609.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

609.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

609.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

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- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

609.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Warrant Service

610.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by employees of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

610.2 POLICY

It is the policy of the San Fernando Police Department to balance the safety needs of the public, the safety of department employees, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

610.3 DETECTIVE DIVISION COMMANDER

The Detective Division Commander shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The Detective Division Commander will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

610.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the Detective Division Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

610.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should develop an Operations Plan and submit it to the appropriate supervisor and the Detective Division Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the Detective Division Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

610.6 WARRANT PREPARATION

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should develop an Operations Plan and submit it to the appropriate supervisor and the Detective Division Commander for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the Detective Division Commander. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

610.7 HIGH-RISK WARRANT SERVICE

The Detective Division Commander, in consultation with the Patrol Division Commander, shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The employee responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

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(i) The condition of the property is documented with video recording or photographs after the search.

610.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

610.9 ACTIONS AFTER WARRANT SERVICE

The Detective Division Commander shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

610.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Detective Division Commander will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Detective Division Commander. The Patrol Division Commander should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Patrol Division Commander should ensure that members of the San Fernando Police Department are utilized appropriately. Any concerns regarding the requested use of San Fernando Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

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If the Patrol Division Commander is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside San Fernando Police Department jurisdiction, the Detective Division Commander should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the San Fernando Police Department when assisting outside agencies or serving a warrant outside San Fernando Police Department jurisdiction.

610.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

610.12 TRAINING

The Training supervisorr should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 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.

700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care and use 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.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property 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 accompanied by an officer's report.

The supervisor shall, at minimum, include in their watch commander logor direct a memo to the appropriate Division Commander, 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.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the appropriate City Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 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.

700.4 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.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, 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 Division Commander.

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Personal Communication Devices

701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.1.1 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.

701.2 POLICY

The San Fernando Police Department allows employees to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.2.1 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.

(b) The device shall be purchased, used and maintained at the employee's expense.

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701.2.2 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) PCDs shall not be carried in a manner that allows them to be generally visible while in uniform.

(b) 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 employees 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.

(c) 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.

701.2.3 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 non-emergency vehicles shall not use 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 or calls of an urgent nature.

701.2.4 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.

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(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

701.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department/Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No employee is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any employee as directed by a supervisor without notice. Employee use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

701.4 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number 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 cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

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1. Employees may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on an employee's personally owned PCD should be transferred to the San Fernando Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the employee's shift.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace should be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

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(e) Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Employees should not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that employees under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

701.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

701.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Employees who are operating Department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

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Personal Communication Devices

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Vehicle Maintenance

702.1 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.

702.2 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. The paperwork shall be promptly forwarded to vehicle maintenance for repair. The on-duty Watch Commander will also be notified of the vehicle maintenance issue.

702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs madeas soon as practicable.

702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 PATROL 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, adult, child and infant resuscitator bags
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves

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- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- First Extinguisher
- Roll meter

702.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask, adult, child and infant resuscitator bags
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- First Extinguisher
- Roll meter

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than three -quarter tank of fuel.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance. The city contracts with a local vendor for vehicle wash washing and all patrol and detective vehicles should be washed weekly to maintain a professional appearance to the public.

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Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

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Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of San Fernando to provide assigned take-home vehicles.

703.2 POLICY

The San Fernando Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.2.1 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 the 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.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

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.

703.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to personnel assigned transportation duties to and from the maintenance yard, etc. Designated personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

703.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

703.2.4 DETECTIVE DIVISION VEHICLES

Detective Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by the Detective Division Commander. After hour use of

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Detective vehicles by personnel not assigned to the Detective shall be recorded with the Watch Commanderon the shift roster and approved by the Detective Division Commander.

703.2.5 AUTHORIZED PASSENGERS
Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

703.2.6 PARKING
City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City 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.

703.3 USE OF VEHICLES

703.3.1 SHIFT ASSIGNED VEHICLES
TheWatch Commander shall ensure a copy of the shift assignment roster indicating employee assignments and vehicle numbers is completed for each sto the Patrol Division Commander, Detective Division Commander, and the Chief of Police. If an employee exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES
Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

703.3.3 INSPECTIONS
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 shifts. 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.

The interior of any vehicle that has been used to transport any person other than an employee of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting employee shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Employees shall ensure all weapons are secured while the vehicle is unattended.

703.3.5 MDT

Employees assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the employee shall notify the Communications Center.If another vehicle is avilable with a working MDT, it should be used. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, employees are not relieved of their responsibility to use required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. At the start of each shift, employees shall verify that the system is on and report any malfunctions to their supervisor. If the employee finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Employees approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Employees who are assigned a specific vehicle should be issued keys for that vehicle.

Employees shall not duplicate keys without approval of the Division Commander. The loss of a key shall be promptly reported in writing through the employee's chain of command.

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703.3.8 AUTHORIZED PASSENGERS

Employees operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL

Employees who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, employees may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, employees driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Employees shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.12 CIVILIAN EMPLOYEE USE

Civilian employees using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian employees shall 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.

703.4 INDIVIDUAL EMPLOYEE ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual employees at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the employee is unable to perform his/her regular assignment.

703.4.1 KEYS

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

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703.4.2 ON-DUTY USE

Vehicle assignments shall be based on the nature of the employee's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department employees at the discretion of the Chief of Police or the authorized designee.

703.4.3 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by employees to commute to and from a work assignment. Employees may take home department vehicles only with prior approval of a Division Commander and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the San Fernando City limits.

(d) Off-street parking will be available at the employee's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.4 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the employee's residence, the nature of the employee's duties, job description and essential functions, and employment or appointment status. Residence in the City of San Fernando is a prime consideration for assignment of a take-home vehicle. Employees who reside outside the City of San Fernando may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department employees shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the employee is not on-duty, vehicle maintenance responsibilities and employee enforcement actions.

Employees are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles 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 of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the employee to and from the employee's residence for work-related purposes.

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(c) Vehicles will not be used when off-duty except:

1. In circumstances when an employee has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the employee will be called back to duty.
2. When the employee is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.
3. When the employee has received permission from the Chief of Police or Division Commanders.
4. When the vehicle is being used by the Chief of Police, Division Commanders or employees who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized employees will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDT and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the employee's residence or the appropriate department facility, at the discretion of the Department when an employee will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the employee, the Department shall have access to the vehicle.
2. If the employee is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The employee is responsible for the care and maintenance of the vehicle.

703.4.5 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the San Fernando Police Department or while off-duty, an officer shall not initiate enforcement actions except in

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those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.6 MAINTENANCE

Employees are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Employees shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the employee's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the employee will complete a vehicle repair order explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned employee, unless otherwise approved by a division supervisor. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum

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format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.6.1 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 Assigned Vehicle Program manager.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all employees operating department vehicles on a toll road shall adhere to the following:

(a) Employees operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Employees may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Employees passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, employees may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department employees handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY

It is the policy of the San Fernando Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

704.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another employee shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Detective Division duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Employees who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.7 OTHER CASH HANDLING

Employees of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another employee to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $500 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each employee involved in this process shall complete an appropriate report or record entry.

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Personal Protective Equipment

705.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

705.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

705.2 POLICY

The San Fernando Police Department endeavors to protect employees by supplying certain PPE to employees as provided in this policy.

705.3 OFFICER RESPONSIBILITIES

Employees are required to use PPE as provided in this policy and pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

705.4 HEARING PROTECTION

Approved hearing protection shall be used by employees during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

705.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by employees during firearms training. Eye protection for employees who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Employees shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

705.6 HEAD AND BODY PROTECTION

Employees who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

705.7 RESPIRATORY PROTECTION

The Support ServicesDivision Commanderor designee of the Chief of Policeis responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified employee. The plan shall include procedures for (8 CCR 5144):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

705.7.1 RESPIRATORY PROTECTION USE

Designated employeesmay be issued respiratory PPE based on the employee's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring employees using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when an employees degree of exposure or stress may affect respirator effectiveness, the scene commander shall reevaluate the continued effectiveness of the respirator and direct the employee to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

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(a) It is necessary for the employee to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The employee detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The employee needs to replace the respirator, filter, cartridge or canister.

705.7.2 EMPLOYEE RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Employees shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Employees exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Employees using respiratory PPE shall (8 CCR 5144):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Employees also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per Department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

705.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Employees must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Employees shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

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705.7.4 SELF-CONTAINED BREATHING APPARATUS

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

705.7.5 RESPIRATOR FIT TESTING

No employee shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE

No employee shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

(a) The employee has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The employee has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Support Services Commander or in thier absence, Chief of Police designee is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the Department records retention schedule and 8 CCR 5144.

705.9 TRAINING

Employees should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All employees shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Employees issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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The Communications Center

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the San Fernando Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department employees in the field.

801.3 THE COMMUNICATIONS CENTER SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for the Communications Center.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose.

801.4 RESPONSIBILITIES

801.4.1 DISPATCH SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Lead Dispatcher Dispatch Supervisor.

The responsibilities of the Lead Dispatcher Dispatch Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Assisting with supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Assist with processing requests for copies of the Communications Center information for release.

(f) Maintaining the Communications Center database systems.

(g) Maintaining and updating the Communications Center procedures manual.

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1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
2. Ensuring dispatcher compliance with established policies and procedures.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(i) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

801.4.2 ADDITIONAL PROCEDURES

The Support Services Commander or the Chief of Police designee Dispatch Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field officers and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

801.4.3 DISPATCHERS

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.
2. Business telephone lines.

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3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
5. Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Handling misdirected, silent and hang up calls.

(g) handling private security alrams, when applicable.

(h) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

(a) Vehicle pursuits.

(b) Foot pursuits.

(c) Assignment of emergency response.

(d) Major incidents

801.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

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If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Officers acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Officers keeping the dispatcher advised of their status and location.

(d) Officer and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Watch Commander shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's

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supervisor and processed through the chain of command. They will be at minimum documented in the watch commander log as well.

801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
San Fernando Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

801.6.2 RADIO IDENTIFICATION
Radio call signs are assigned to department employees based on factors such as duty assignment, uniformed patrol assignment and/or employee identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department employee by his/her call sign. Employees should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department employee. Employees initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.7 DOCUMENTATION

It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the employee and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of employees assigned as primary and backup.
- Time of dispatch.
- Time of the responding employee’s arrival.
- Time of employee's return to service.
- Disposition or status of reported incident.

801.8 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All employees of the Communications Center shall treat information that

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becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

801.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

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Property and Evidence

802.1 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 identifies those persons authorized to remove and/or destroy property.

802.2 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))
- Property recovered at the scene of an incident, crime, or traffic collision, the owner of which is incapacitated or is otherwise unable or unwilling to provide consent for release to a third party.

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.

802.3 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 property locker or storage room and documented in the OMNIGO Property Control Module. Care shall be taken to maintain the chain of custody for all evidence.

Employees shall take photographs in the following circumstances:

(a) Recovery or taking of firearms or any other weapons, shell casings, narcotics/dangerous drugs, fireworks, contraband, or electronics.

(b) Recovery or taking of all other items of property potentially constituting evidence in the course of any investigation and which may be used for the prosecution of a case.

(c) In any use of force incident involving injuries to victims, suspects and/or officers.

All photographs of evidence, including photographs taken at reported traffic collisions of damage, debris fields and the scene, etc., must be downloaded onto a CD and booked into evidence following Department procedures and policies as described herein or any further directives issued by the Department from time to time. Color photographs of evidence shall be produced for the

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DR report file by the investigating officer prior to completion and submittal of reports. In addition, photographs must be downloaded to the OMNIGO Property Control Module.

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 OMNIGO Property Control Module must be completed to document the release of property not booked and the owner shall sign the property release form acknowledging receipt of the items. If the owner refuses and identity and ownership are verified, document "Refuse to sign" and attach a copy of identification to the form.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by the Watch Commander. In such rare cases, the Watch Commander shall notify the Detective Division Commander via email. Employees booking property shall observe the following guidelines:

(a) Complete the entry of the property in the OMNIGO Property Control Module describing each item of property separately, listing all serial numbers, owner’s name, finder's name, and other identifying information or markings as required.

(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 in the upper right hand corner of the paper bag.

(e) A copy of the OMNIGO Property Control entry shall be submitted with the case report.

(f) When the property is too large to be placed in a locker, the item may be retained in the evidence preparation room. Submit the completed property record into a numbered locker indicating the location of the property.

802.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked in separate envelopes using one property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately (with the exception of hypodermic needles).

The officer seizing the narcotics and dangerous drugs shall place them in a temporary locker in the evidence preparation room and note the locker number in the OMNIGO Property Control Module.

The following procedure shall be followed when a hypodermic syringe/needle is taken as evidence and is not to be examined by LASD Scientific Services Bureau:

- Upon seizure of a hypodermic needle and/or syringe, it should be transported to the station during the current shift of the seizing officer;
- Two COLOR photographs of the syringe shall be taken with the DR number clearly displayed. The names of the officer taking the photograph will be noted in the incident/ arrest report;

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- The color photographs shall also be saved to a CD and booked into evidence. The CD with the COLOR photographs will serve as the “next best evidence” and shall be retained for future court proceedings.
- Each individual syringe and/or needle shall immediately be disposed of in the "Sharps" infectious waste container located in the Evidence Preparation room;
- The color photographs will be placed in the DR file.

Syringes and/or needles containing substances or residue will not routinely be examined by the LASD Scientific Services Bureau.

Syringes/needles should be disposed of in the manner described above unless a syringe or needle containing a substance is seized in a case involving:

- driving under the influence;
- narcotics cases within custody facilities;
- internal, special investigations,or other unusual cases as approved by the Chief of Police or his/her designee.

In cases where a syringe/needle containing a substance is held as evidence for one of the above circumstances, the contents of the syringe shall be placed in a small glass vial, tightly capped, placed in a Kapak plastic baggie and transported to the laboratory in a clearly marked evidence envelope. The description on the evidence shall be written on the front of the envelope as "Biohazardous-contents of syringe."

802.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property with prior knowledge of the Property Control Officer and Watch Commander approval. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property officer is responsible for arranging for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried in locker #1 prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the property officer, or placed in the designated locker for return

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to the Department of Motor Vehicles. A found property entry and Officer Report are required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the property officer, or placed in the property room until a property officer can log the property.

(d) All cash of $100 or more shall be counted in the presence of the Watch Commander and the envelope initialed by the booking officer and the Watch Commander.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 180 days after proper notification by the Property Control Officer, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The property officer shall ensure the Records Supervisor is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

802.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Any weapons

(d) Property with more than one known owner

(e) Paraphernalia as described in Health and Safety Code § 11364

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(f) Fireworks

(g) Contraband

(h) Shell casings

(i) Cell phones, wrapping in aluminum foil as required by Department procedure

802.4.1 PACKAGING CONTAINER
Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles, when applicable.

A property tag shall be securely attached to the outside of all items.

802.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in a temporary evidence locker in the evidence preparation room.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report or evidence preparation room. The booking officer shall initial and date the sealed envelope making sure the initials and date overlap the cellophane evidence tape and packaging.

A completed property tag shall be attached to the outside of the container.

802.5 RECORDING OF PROPERTY

The property officer receiving custody of evidence or property shall record in the OMNIGO Property Control Module his/her signature, the date and time the property was received and where the property will be stored.

A property number shall be obtained for each item or group of items. This number shall be recorded in the OMNIGO Property Control Module.

Any changes in the location of property held by the San Fernando Police Department shall be noted in the OMNIGO Property Control Module.

802.5.1 RECORDING OF PROPERTY
The property officer receiving custody of evidence or property shall record the date and time the property was received and where the property will be stored in the OMNIGO Property Control Module.

A property number shall be obtained for each item. This number shall be recorded in the OMNIGO Property Control Module.

Any changes in the location of property held by the San Fernando Police Department shall be noted in in the OMNIGO Property Control Module.

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802.5.2 SERIALIZED PROPERTY
All property of all types that include a serial number (e.g., firearms in the Automated Firearms System (AFS), cell phones, credit and debit cards, tools, mechanical equipment, government-issued identification cards, electronics, appliances and similar items), shall be entered in the JDIC system in the appropriate database by the dispatcher on duty at the time of recovery or seizure and this entry shall be verified by the on duty Watch Commander in writing on the entry printout (Penal Code §11108).

802.6 PROPERTY CONTROL

Each time the property officer receives property or releases property to another person, he/she shall enter this information in the OMNIGO Property Control Module. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

802.6.1 RESPONSIBILITY OF OTHER PERSONNEL
Every time property is released or received, an appropriate entry shall be made in the OMNIGO Property Control Module to maintain the chain of evidence. No property or evidence is to be released without first receiving written authorization from the detective handling the case or the Detective Division Commander.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time in the OMNIGO Property Control Module and the request for laboratory analysis.

The Department employee releasing the evidence must complete the required information in the OMNIGO Property Control Module. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time and the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to Property for filing with the case.

802.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the OMNIGO Property Control Module, stating the date, time and to whom released.

The property officer shall document in the OMNIGO Property Control Module the name of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in the OMNIGO Property Control Module, indicating date, time, and the person who returned the property.

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802.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Division shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

802.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized signature on the property receipt, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days. Safekeep property shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A property officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received (for example, a court order). A signature of the person receiving the property shall be recorded on the OMNIGO release form. Upon release, the proper entry shall be documented in the OMNIGO Property Control Module.

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 that conforms to the provisions of Penal Code § 33865.

The Detective Division Commander should verify that the Property Control Officer made all reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm 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 (Penal Code § 33875).

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802.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Property Control Officer, under the supervision of the Detective Division Commander, will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

802.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the property officer shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

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802.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the San Fernando Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION
The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer shall request a disposition or status on all property which has been held in excess of one (1) year, and for which no disposition has been received from a supervisor or detective.

802.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)

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- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

With reference to property stored for safekeeping, unclaimed property will be held 60 days for pick-up by owner or their representative. If not claimed, property will be destroyed or disposed of without further notice in accordance with Civil Code § 2080.10. In the event the property owner is in custody and provides notification prior to the expiration of such 60- day period that they cannot pick up the property and cannot arrange for a representative to obtain the property, then this property may be held for no longer than 10 months (Civil Code § 2080.10).

With reference to unclaimed found property, this property may be disposed of after 90 days (Civil Code § 2080.4).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Office Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant’s attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Detective Division Commander

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Detective Division Commander, or until the expiration of any imposed sentence that is related to the evidence, whichever time

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period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Detective Division Commander.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Detective Division Commander shall be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

802.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

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Records Bureau

803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the San Fernando Police Department Records Bureau. The policy addresses Department file access and internal requests for case reports.

803.2 POLICY

It is the policy of the San Fernando Police Department to maintain Department records securely, professionally and efficiently.

803.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the San Fernando Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Support Services Commander or the Chief of Police designee. The Chief of Police designee or Support Services Commander should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Support Services Commander should forward the petition to the Detective Division Commander and the City Attorney for review. After such review and consultation with the City Attorney, the Detective Division Commander and the Support Services Commander or Chief's designee shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Support Services Commander or Chief of Police designee shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Support Services Commander or Chief of Police designee should respond to a petition with the Department's decision within 60 days of receipt; however, as provided by law (Penal Code § 851.8(b)) if no response is provided then the petition shall be considered denied. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

803.4 FILE ACCESS AND SECURITY

The security of files in the Records Bureau must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police Department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the Records Bureau, accessible only by authorized employees of the Records

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Bureau. Access to case reports or files when Records Bureau staff is not available may be obtained through the Watch Commander.

The Records Bureau will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Bureau. Should an original case report be needed for any reason, the requesting Department employee shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Bureau shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Bureau.

All original case reports to be removed from the Records Bureau shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Bureau. The photocopied report shall be shredded upon return of the original report to the file.

803.6 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether in hard copy or electronic file format, or any other confidential, protected or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

803.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Detective Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

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Restoration of Firearm Serial Numbers

804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

804.2 PROCEDURE

Any firearm coming into the possession of the San Fernando Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been obliterated.

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804.2.3 OFFICER RESPONSIBILITY
The property officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

804.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

804.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

804.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Los Angeles County Sheriff's Department and to the National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

805.2 POLICY

The San Fernando Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of Department public records.

(b) Maintaining and updating the Department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the Department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of Department public records as reasonably necessary for the protection of such records (Government Code § 6253).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the Department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that all Department current standards, policies, practices, operating procedures, and education and training materials are posted on the Department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

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(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department's website.

805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department employee who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

805.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

    (a) When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

    (b) If the record requested is available on the Department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

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(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

(a) A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions.

(b) If the record is audio or video, a copy of the redacted audio/video release should be maintained in the Department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

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1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this Department (Government Code § 6254).

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(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the Department's electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the Department name and to whom the record was released.

Each audio/video recording released should include the Department name and to whom the record was released.

805.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include, but are not limited to, a record of arrest, investigation, detention or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

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When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4 or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

805.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

805.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the San Fernando Police Department.

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3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the San Fernando Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
2. When the breach involves an email address that was furnished by the San Fernando Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

805.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
   (a) Email notice when the Department has an email address for the subject person.
   (b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.

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4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

805.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 6254(f)(4)).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or his designee in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

805.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 6254(f)(4)).

805.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 6254(f)(4)):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

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(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police or his designee in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

805.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 6254(f)(4)).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 6254(f)(4)).

805.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 6254(f)(4)).

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The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 6254(f)(4)(A)).

805.11 MEDIA DISPOSAL, TRANSPORTATION AND STORAGE

Procedures for securely handling, transporting, storing and destroying media containing Criminal Justice Information (CJI) as required by FBI CJIS Security Policy 5.8.3 – 5.8.4 states, “The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Formal procedures for the secure disposal or destruction of physical media shall minimize the risk of sensitive information compromise by unauthorized individuals.”

PRINTED MATERIAL

Printed material may be destroyed in the following manner:

· Shredded using a cross cut (confetti) shredder

· Placed in confidential destroy boxes and subsequently destroyed by a contracted vendor. An employee assigned to the Records Bureau must be present during the destruction.

ELECTRONIC MEDIA

Electronic records on decommissioned servers or other storage devices are to be securely erased using Department of Defense (DOD) approved methods or the physical media destroyed. Electronic media may be reused, however the media should be securely erased first where practical.

· CD/DVD media

o Break/destroy media prior to disposal

· Hard drives

o Erase the drive using DOD approved methods

o Use vendor provided utility for built-in “secure erase” function

o Break/destroy the hard drive (drill holes through platters, smash to point where platters and PCBs are broken)

· Tapes

o Erase using DOD approved methods

o Destroy (shred)

· Flash drives

o Break/destroy the device

TRANSPORTATION

Printed material, electronic media or containers with CJI may only be handled or transported by approved persons who have been finger print background check completed.

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STORAGE

Printed material, electronic media or containers with CJI may only be stored at a secured, approved location staffed by persons who have been finger print background checked.

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Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by employees of the San Fernando Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the San Fernando Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Employees of the San Fernando Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Chief of Police shall select an employee of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring employee compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS),Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, San Fernando Police Department policy or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject an employee to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

806.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

806.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Criminal Records Security Officer

(b) Records Supervisor

(c) Full-time employees of the Records Bureau

(d) Personnel specifically designated in writing by the Chief of Police or Division Commanders with the concurrence of the Criminal Records Security Officer

806.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage

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situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department employees or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting parole, probation or warrant information..

806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select an employee of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

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(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 EMPLOYEE RESPONSIBILITIES

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

806.7 TRAINING

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

806.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in Records, the Communications Center and in the Detective Bureau to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

806.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

806.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Supervisor, unless otherwise designated by the Chief of Police,, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Chief of Police may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Chief of Police or his designee will ensure that the appropriate applications are made and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

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This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

806.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training supervisor shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

806.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual §§ 323.5.6 and 323.5.1.

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual §§ 323.5.6 and 323.5.1.

Any employee who violates this Policy 806, including without limitation the provisions of this § 806.9, shall be subject to the disciplinary procedures set forth in Policy 1009 of this Policy Manual.

806.10 CALIFORNIA RELIGIOUS FREEDOM ACT

Employees shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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Computers and Digital Evidence

807.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

807.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

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4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

807.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

807.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

807.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Office to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

807.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

807.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

807.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

807.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Office as soon as possible for submission into evidence.

(b) Officers are not authorized to review or copy memory cards. The evidence technicians are the only employees authorized to copy and/or distribute digital media made from the memory cards.

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(c) As soon as possible following the collection of evidence, the camera operator is to remove the memory card from their digital camera and place the card into a plastic carrier. The card and carrier are then to be placed into a zip-lock type baggie. The camera operator shall write their name and the related case number on the outside of the baggie before placing in the film drop box along with the evidence form.

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

807.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

807.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the San Fernando Police Department for processing prior to being released or transferred to a housing or other type of facility. The guidelines include the attached. See attachment: Inmate Safety Check Special Order (1).pdf

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this Department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the San Fernando Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The San Fernando Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

The San Fernando Police Department operates a Type 1 jail facility. No adult should be in temporary custody for longer than ninety-six (96) hours. excluding weekends and holidays. Subject to the prior sentence of this Section 900.3 and all of the other requirements applicable to female adults held in temporary custody as set forth herein [see, e.g. Section 900.3.2 below], the portion of attachment 4-203 [Classification and Segregation] referenced below providing that females shall not be housed for more than 16 hours shall not apply.

900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the San Fernando Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

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(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.

(c) Any individual who is seriously injured.

(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055).

(h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

(j) Any individual who is obviously developmentally disabled (15 CCR 1057).

(k) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

(l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized Department employee capable of supervising shall be present at all times when an individual is held in temporary custody. The employee responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising employee if needed. If the person in custody is deaf or

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hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female Department employee should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, employees should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one employee who meets the training standards established by the Corrections Standards Authority (CSA) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff. The review and recommendations of the CSA biennial review shall be forwarded to the City, as required by 15 CCR 1027.

900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized employees entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized employee should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual

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may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to County jail or other facility.

900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    (a) Continuous, direct sight and sound supervision.
    (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Operations Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to Department employees. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for

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documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department employees assigned to process a foreign national shall:

(a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
    1. This notification should be documented.

(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
    1. If the country is on the mandatory notification list, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
        (c) Forward any communication from the individual to his/her consular officers without delay.
        (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
    2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
        (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
        (b) Forward any communication from the individual to his/her consular officers without delay.

900.5 BOOKING FEE PROGRAM

The following sets forth the provisions of Special Order Number 2012-0001 dated August 15, 2012:

In accordance with the specifications outlined in Government Code 29550.3 (a), "A city which books or processes persons to a jail administered by it and which does not otherwise incur an administrative fee from the county, may establish and collect an administrative fee from an arrested person." Actual administrative cost may include any one or more of the following as related to receiving an arrestee:

- The searching, wrist banding, issuance of personal hygiene items, laundering of bedding supplies, fingerprinting, photographing.
- Document preparation, retrieval, updating, filing, and court scheduling.
- Inventory and storage of an arrestee's property which includes currency, personal carry property, bulk property items such as bicycles and backpacks.

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- The classification of the arrestee.

Our current booking fee of $135.00 was set by Judge James Simpson based on Los Angeles County our active participation with the LA County Sheriff's Booking System. The $135.00 fee was set upon the origination of the Booking Recovery Fee Program in 1997 and has not changed since such time.

The fees are broken down within several administrative cost variables that include but are not limited to the following estimated values:

-	Inventory and storage of an arrestee's property:	$	23.50
-	Fingerprinting Photographing, Wrist banding:	$	25.80
-	Document preparation, updating, filing:	$	24.65
-	Classification, meals, court scheduling:	$	61.20
	Total:	$ 135.00	

Pursuant to 29550.3 – 29551 of the California Government Code, booking fees can only be imposed to individuals whose arrest results in a conviction for any criminal offense related to the arrest, whether or not it is the offense for which the person was originally booked. The City that opts to receive funds pursuant to Section 29552 shall establish a "Local Detention Facility Revenue Account". These funds shall be used exclusively for the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.

POLICY:

Billing of all arrestee's

In accordance with Government Code 29550.3 (a), this Agency shall bill all adult and juvenile arrestee's booked into the San Fernando Police Department Jail with the exception of individuals

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registered in the Court Commitment Program. Forms shall be issued at the time of booking by the Booking Officer and processed by the Records Bureau.

PROCEDURE:

The following procedure shall be followed:

Booking Officer Responsibility:

(a) During the booking process, the (Attachment A) will be filled out. The form must include the following item:

- Booking Number
- DR Number
- Date of Arrest
- Charge(s)
- Arrestee's Name

(b) Notify arrestee of the bill they are receiving.

(c) Make a photo copy, place original in the individual's property bag and the DR file for the subject .

Records Bureau Responsibility:

(a) Collect copies of Notification of Booking Fee Forms.

(b) Maintain documents for record keeping and billing.

(c) Receive payments and issue receipts.

(d) Deposit payments at City Treasurer's Office to account #01-3725-0000.

900.6 SUPERVISION OF INDIVIDUALS IN TEMPORARY CUSTODY

The following sets forth the provisions of Special Order Number 2011-006 dated July 5, 2011

In order to enhance the Department's existing policy of hourly safety checks (required per Title 15, section 1027) as noted in the City of San Fernando Police Manual sections 4.102.02 (NUMBER OF PERSONNEL) and 4-102.05 (FIRE SUPPRESSION PREPLANNING, section F. Routine Safety Checks), the following policy and procedure shall be in effect as of the date of this Special Order:

POLICY:

Supervision of Prisoners

All prisoners, with the exception of intoxicated prisoners, shall be visually checked no less than once every hour. Intoxicated prisoners shall be checked at least once every half-hour. This safety check will be conducted through direct visual observation without the aid of surveillance cameras. The designated employee responsible for the safety check will complete the required

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information on the San Fernando Police Department Inmate Safety Check Log which will be affixed to the individual inmate's cell. No male shall enter the female quarters if a female is in custody unless accompanied by a female employee, absent exigent circumstances and/or normal booking procedures.

Per Title 15, section 1006, titled "Definitions", the following definitions shall apply:

"Direct visual observation" means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.

"Safety checks" means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.

PROCEDURE:

The following procedure should be followed:

Arresting/Booking Officer Responsibility:

After the inmate has entered the San Fernando Police detention facility, the arresting officer shall complete a San Fernando Police Department Inmate Safety Check Log.

After completion of the booking process, the booking officer should place the inmate in an appropriate cell, pursuant to section 4-203 of the San Fernando Police Manual titled, CLASSIFICATION AND SEGREGATION.

Once secured inside of the cell, the Inmate Safety Check Log should be affixed to the exterior of the cell with the magnet provided. The booking officer shall indicate his/her name, the time that the inmate was secured inside of the cell, and any relevant comments in the appropriate sections on the Inmate Safety Check Log.

The responsible employee shall notify the on-duty Desk Officer/Jailer of the inmate and respective cell number as indicated on the booking hard card.

Desk Officer/Jailer Responsibility:

The Desk Officer/Jailer shall note the incoming inmate on the standard Detention Facility Log located in Dispatch, and maintain an accurate inmate count, pursuant to section 4.205.04 (PHYSICAL SECURITY), subsection A (Physical Count of Inmates).

The Desk Officer/Jailer, or assigned designee, shall conduct hourly safety checks of the inmate and document their name, time, and any comments on the Inmate Safety Check Log.

Inmate Transfer from Facility:

When the inmate is transferred out of the detention facility, the responsible employee shall note their name, the time of transfer and the appropriate comment (released, transferred to court, etc…) on the Inmate Safety Check Log. The responsible employee shall advise the on-duty Desk Officer/ Jailer of the transferred inmate. The on-duty Desk Officer/Jailer shall document the transferred inmate on the Detention Facility Log in order to maintain an accurate inmate count.

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The on-duty Desk Officer/Jailer shall forward the completed log to the on-duty Watch Commander for supervisory approval. The completed Inmate Safety Check Log shall be placed in the Records bin located in Dispatch.

Records Division Responsibility:

The original Inmate Safety Check Log shall be collected and maintained in the Annual Detention Facility Log housed in Records Division. This log shall be maintained for a period consistent with the Government Code pertaining to records retention.

900.7 SAFETY, HEALTH AND OTHER PROVISIONS

900.7.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the San Fernando Police Department, the custody shall be promptly and properly documented in thecustody log including:

(a) Identifying information about the individual, including his/her name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the San Fernando Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.7.2 TEMPORARY CUSTODY REQUIREMENTS

Employees monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

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(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

900.7.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to Department employees (15 CCR 1220). At least one employee who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Employees shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the San Fernando Police Department. They should be released or transferred to another facility as appropriate.

900.7.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the employee supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.7.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional

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calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
    (a) The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
    (b) The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
    (a) Telephone calls are not intended to be lengthy conversations. The employee assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
    (b) Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.7.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

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900.7.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.7.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to an employee, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The watch commander shall document any such incidents as well in their watch commander logs. The Records Division will retain a record of these reports for inspection purposes (15 CCR 1044).

900.7.9 ATTORNEYS AND BAIL BONDSMEN

(a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).

(b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.

(c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.

(d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.7.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.7.11 FOOD SERVICE PLAN

SECTION 1 - PLANNING MENUS

A. Weekly Menus

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The weekly menu shall be provided by the LASD (Los Angeles Sheriff's Department) Food Services in accordance with Title 15, Article 12 Food, State Code of Regulation defines the minimum diet standard for local adult detention facilities.

Each inmate shall be provided a wholesome, nutritionally balanced diet. All menus are based on Board of State and Community Corrections (BSCC), Title 15 regulations which require the meals to be based on the nutritional and caloric requirements found in the 2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 2008 California Daily Food Guide, and the 2010 Dietary Guidelines for Americans.

Menus in the San Fernando Police Department Jail shall be planned at least one month in advance of their use and planned to provide a variety of foods, thus preventing repetitive meals. Inmates shall be provided three meals each day, one of which shall be served hot. Variations to the hot meal per day requirement may be allowed to accommodate religious observances, religious meal programs, and institution emergencies. The breakfast meal shall be served not more than 14 hours following the previous day's evening meal.

Menus shall be approved by a Registered Dietitian (R.D.) from LASD Food Services prior to being used. If any meal served varies from the planned menus, the change shall be noted in writing on the menu and/or production sheet. Review of the meal plan including changes shall be evaluated by a registered dietitian at least annually.

Attached are the weekly menu and nutritional summary (nutrient analysis) to follow this section.

B. Disciplinary Isolation Diet

The San Fernando Police Department Jail does not engage in the serving of, or have provisions for a disciplinary isolation diet.

C. Medical Diets

The San Fernando Police Department Jail does not provide medical diets. For inmates requiring a medical diet, the on-duty Jailer will arrange transfer to the Los Angeles County Jail.

SECTION 2 - PURCHASING & RECEIPT

A. Purchasing food

In accordance with Title 15 and the California Retail Food Code (CalCode) all foods shall be obtained from sources that comply with all applicable laws. The following vendor shall be used:

Los Angeles Sheriffs Department Food Services Unit

Central Kitchen CRDF

Contacts:

Benson Li, Manager (213) 893-5866 or (213) 247-4667

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Joe Badali, Lieutenant (213) 893-5009

Martin Rodriguez, Asst. Manager (323) 568-4572

Levon Arabyan, Head Cook (323) 568-4595

Attached is the “Meal Order Form” which must be sent by email to FoodServicesMonrovia@ lasd.org or faxed to (323) 568-4713

B. Receipt of food

Food shall be inspected as soon as practical upon receipt to any use or storage by the on duty Jailer. Food shall be accepted only if the inspection conducted upon receipt determines that the food satisfies the following:

1. Food was prepared by the approved sources

2. It was received in a wholesome condition

3. It was received in packages that are in good condition and that protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

4. Food is in containers and on pallets that are not infested with vermin or otherwise contaminated.

C. Recall of Food Products

From time to time products may be contaminated with bacteria or other harmful substances. The following shall apply to the recall of such foods:

Los Angeles County Sheriff’s Department (LASD) subscribed to the USDA/FDA recall notices. Once there is a food product on the recall list, LASD will receive a notice. LASD will check the list against their inventory. They have made up the proportion trays with cook chill items that they have cooked to 180 degrees above following the HACCP plan. The products are chilled to below 41 degrees and stored in a deep chill cooler for product safety. LASD food buyers will verify with our vendors if there is a known recall to ensure food safety for all parties. If an item in their ingredient is under recall, all prepared items will not be used and they will notify the health department immediately.

It is the policy of LASD to maintain a sample of each cook and chill product. LASD will send the sample for product testing if there is any doubt about the food safety of that product. If LASD received any of the recalled products, that product will be wrapped and put aside in a designated area to be returned to the vendor.

If LASD has distributed the items to the City and Sheriff’s Jails that have been recalled, LASD will notify concerned parties immediately. The jails will also be instructed to take appropriate actions to the recalled products.

During massive recalled by USDA or FDA, LASD will verify with the vendor insuring the existing inventory is not on the recall list. The Health Department and all jails will be notified of such results that their product is involved in the active recall.

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Any questions about the products that Los Angeles Sheriff's Department produced or distributed please direct questions to:

Benson Li, Manager

Los Angeles Sheriff's Food Service Unit

(213) 893-5109 or e-mail BPLi@lasd.org

SECTION 3 - STORAGE AND INVENTORY CONTROL

A. Storage

All food will be stored and rotated using the First In, First Out (FIFO) rotation method. The FIFO rotation method ensures serving safe food and eliminates spoiled food waste.

In accordance with Title 15 and the California Retail Food Code (CalCode) all foods shall be stored in a manner that prevents contamination. Food must be stored at least six inches above the floor and away from sources of contamination. Ready to eat food must be stored away from or above raw foods, such as uncooked meat, poultry or pork. Unpackaged food, which has been previously served, shall not be served to anther person.

In accordance with Health and Safety Code, 113996 (a) Except during preparation, cooking, cooling, transportation to or from a retail food facility for a period of less than 30 minutes, or when time is used as the public health control as specified under Section 114000, or as otherwise provided in this section, potentially hazardous food shall be maintained at or above 135*F, or at or below 41*F.

Maintaining proper holding temperatures are one of the most important factors preventing food borne illness. Proper holding for potentially hazardous foods are as follows:

Hot foods shall be kept at 135 degrees Fahrenheit or above.

Cold foods shall be refrigerated at 41 degrees Fahrenheit or below

Frozen foods shall be kept at 0 degrees Fahrenheit or below.

The on duty Jailer shall check the refrigeration and freezer units and record the temperatures on a daily basis. These records will be kept by the Police Records Supervisor in agreement with the department retention schedule.

B. Inventory Control

Fresh food inventory shall be kept for no more than one week (7 days) and replaced every Thursday with a fresh deliver. Frozen food shall be kept for no more than twelve weeks and be replaced with fresh frozen meals on a Thursday delivery. It is the responsibility of the assigned jailer to conduct a complete inventory of the refrigerator and freezer prior to placing a weekly order

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with the Los Angeles County Sheriffs. This is to ensure adequate room for storage of meals in the refrigerator and freezer.

SECTION 4 - FOOD PREPARATION

A. Food Preparation

In accordance with Title 15, California Retail Food Code (CalCode) and the Health and Safety Codes, §113818, all foods shall be prepared as follows:

(a) "Limited food preparation" means food preparation that is restricted to one or more of the following:

(1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of non-prepackaged food.

(2) Dispensing and portioning of non-potentially hazardous food.

(3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.

(4) Slicing and chopping of food on a heated cooking surface during the cooking process.

(5) Cooking and seasoning to order.

(6) Preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.

(b) "Limited food preparation" does not include any of the following:

(1) Slicing and chopping unless it is on the heated cooking surface

(2) Thawing

(3) Cooling of cooked potentially hazardous food

(4) Grinding raw ingredients or potentially hazardous food

(5) Reheating of potentially hazardous foods for hot holding, except for roasting corn on the cob, steamed or boiled hot dogs and tamales in the original, inedible wrapper.

(6) For hot holding of nonprepackaged, potentially hazardous food, except for roasting corn on the cob, steamed or boiled hot dogs, and tamales in the original, inedible wrapper.

(7) Washing of foods

(8) Cooking of potentially hazardous foods for later use.

Cooking times - Health and Safety Codes, §114004, 114008, 114093, all foods shall be prepared as follows:

All ready to eat foods prepared at a food facility from raw or incompletely cooked food of animal origin shall be cooked to heat all parts of the food to 165 degrees for 15 seconds.

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SECTION 5 - FOOD SERVING & SERVICE

A. Meal Service & Food Handling Procedures (1230 MJS and Section 27605 California Uniform Retail Food Facilities)

At the San Fernando Police Department Jail, inmates shall not prepare or serve meals. All food handlers shall maintain a high standard of personal hygiene. Food handlers serving or handling food or eating utensils for inmates must comply with all applicable laws and regulations pertaining to food service. The following procedures govern food service to inmates at the San Fernando City Jail:

B. Personal Cleanliness

In accordance with Title 15, California Retail Food Code (CalCode) and the Health and Safety Codes, §113953.3, 113967,113973 - 76 all foods shall be served as follows:

Handwashing

113953.3.

(a) Except as specified in subdivision (b), all employees shall thoroughly wash their hands and that portion, if any, of their arms exposed to direct food contact with cleanser and warm water by vigorously rubbing together the surfaces of their lathered hands and arms for at least 10 to 15 seconds and thoroughly rinsing with clean running water followed by drying of cleaned hands and that portion, if any, of their arms exposed. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers. Employees shall wash their hands in all of the following instances:

(1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.

(2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.

(3) After using the toilet room.

(4) After caring for or handling any animal allowed in a food facility pursuant to this part.

(5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.

(6) After handling soiled equipment or utensils.

(7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.

(8) When switching between working with raw food and working with ready-to-eat food.

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(9) Before donning gloves for working with food.

(10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.

(11) After engaging in other activities that contaminate the hands.

(b) If approved and capable of removing the types of soils encountered in the food operations involved, an automatic handwashing facility may be used by food employees to clean their hands.

Personal Cleanliness

113967. No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.

Hygienic Practices

113973.

(a) Gloves shall be worn when contacting food and food-contact surfaces if the employee has any cuts, sores, rashes, artificial nails, nail polish, rings (other than a plain ring, such as a wedding band), unclean able orthopedic support devices, or fingernails that are not clean, smooth, or neatly trimmed.

(b) Whenever gloves are worn, they shall be changed, replaced, or washed as often as handwashing is required by this part.

(c) If used, single-use gloves shall be used for only one task, such as working with ready-to-eat food or with raw food of animal origin, used for no other purpose, and shall be discarded when damaged or soiled, or when interruptions in the food handling occur.

(d) Except as specified in subdivision (e), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used only with food that is subsequently cooked as specified in Section 114004, such as frozen food or a primal cut of meat.

(e) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves have a smooth, durable, and nonabsorbent outer surface or if the slash-resistant gloves are covered with a smooth, durable, nonabsorbent glove, or a single-use glove.

(f) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked.

113974. Food employees experiencing, while at work in a food facility, persistent sneezing, coughing, or runny nose that is associated with discharges from the eyes, nose, or mouth, and that cannot be controlled by medication, shall not work with exposed food; clean equipment, utensils, or linens; or unwrapped single-use utensils.

113976. Unless a utensil used to taste food is discarded after the first time it is used for this purpose and before the next tasting or any other use, the utensil shall be washed, rinsed, and sanitized pursuant to Chapter 5 (commencing with Section 114095) between tastings and before any other use.

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C. Health & Sanitation

a. Employees must wear clean clothing and uniforms at all times. All employees shall thoroughly wash their hands and arms by vigorously rubbing them with cleanser and warm water, paying particular attention to areas between the fingers and around and under the nails, rinsing with clean water. Employees must wash their hands before handling or serving inmate meals, immediately after using toilet facilities, and at other times as necessary to prevent contamination of food or utensils. Since the plastic cover is not removed from the food, hair restraints are not required for food handlers.

b. The San Fernando Police Department building and jail are “no smoking” facilities. In addition, no tobacco products in any form are allowed in any area where food is prepared, served or stored or utensils are cleaned or stored.

c. All personnel assigned to jail responsibility shall have been medically cleared before their assignment. This is accomplished through the medical clearance process of initial hiring.

D. Food Inspection

a. Employees serving food to inmates shall visually inspect the food prior to service to verify the meal complies with the approved San Fernando Police Department menu.

b. Employees serving food to inmates shall verify that the meal is being served according to manufacturer’s cooking instructions.

c. Any food that appears contaminated or where the employee believes the meal is not in compliance with the approved menu must be discarded. The Watch Commander shall be notified of such action.

d. Employees shall check the temperature daily on the refrigerator and freezer. Employees shall complete the daily log sheet located in the kitchen by indicating on the log sheet the date, temperature, initials of the Jailer and any comments pertaining to the check. The Watch Commander or Police Records Supervisor shall be notified immediately of any inconsistencies in the temperature of either the refrigerator or freezer.

e. Prisoner meals shall be served immediately

E. Frequency of Food Service

a. Frequency of Meals - Meals shall be served three times in any 24-hour period. At least one of these meals shall include hot food. If more than 14 hours pass between these meals, supplemental food must be served. Designated meal times: 5:30 AM – 6:30 AM, 11:30 AM – 12:30 PM, 5:30 PM – 6:30 PM. (1240 MJS).

b. Minimum Diet - All menus are developed by the LASD Food Services Unit Manager and evaluated annually by the Los Angeles County Department of Health Services and meet or exceed the nutritional requirements described as required by Title 15.

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c. Food Removal - Plates, utensils and unconsumed food shall be collected no sooner than 30 minutes, and no later than 90 minutes after it is served. The jailer/officer removing the meal must verify that the plastic eating utensils have been returned and not retained by the inmate. At the discretion of the jailer/officer, the inmate may be allowed to retain one styrofoam or paper cup for drinking water. Any leftover food shall be removed from the jail area and discarded in the appropriate trash receptacles.

d. Food Services Plan - The Food Services Plan shall be found and or posted in the “Common Folders”, the Jail, Communications Center, and in the kitchen, and is available to jailers and/or other personnel serving food at all times.

F. Transporting Food

After the food is prepared, it will be immediately transported from the kitchen area to the cell area where the food is served. The amount of time will not exceed 30 minutes. A stainless steel serving cart is used to transport the prepackaged food from the kitchen to the cell area. The Jailer will make sure the cart is clean before and after every food service. The plastic film over the package will be left in place until the meal is delivered to the inmate. The inmate can remove the plastic film at that time. One disposable spoon is provided with each breakfast and dinner meal.

G. Orientation and Ongoing Training

Jailers will be trained in the various aspects of food service at the San Fernando Police Department Jail as part of their jail training program. Orientation topics include jail policy regarding meal service, food preparation, sanitation, storage, and personal hygiene.

SECTION 6 - PERSONNEL SUPERVISION

A. Support Services Division Commander

The Support Services Commander is the Facility Administrator. He/she has the responsibility of administering all aspects of the San Fernando Police Department Jail.

B.Division Patrol Commander

The Division Patrol Commander is the Facility Manager. The Division Patrol Commander has the responsibility of managing the daily operations of the jail through the Operations Watch Commanders. The Division Patrol Commander works closely with the Support Services Division Commander to manage the overall operations of the jail; i.e., jail maintenance, jail inspections, and annual review of jail manuals. Additionally, the Division Patrol Commander is responsible for assigning tasks to jailers, such as preparing required monthly reports, inventory of jail supplies, prisoner meals and any other related tasks. The Division Patrol Commander shall keep the Watch Commanders apprised of these various task assignments and other issues pertaining to the jailers and the overall operation of the jail. Changes made to the jail manuals shall have final approval of the Chief of Police.

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C. Watch Commander

The on-duty Watch Commander is responsible for ensuring compliance with all regulations, procedures, and laws affecting the jail and the booking of prisoners. Jailers' shall be under the direct supervision of the on-duty Watch Commander; jailers' evaluations shall be prepared by the Watch Commander on whose shift the jailer is assigned.

D. Jailer

Under the functional supervision and direction of the Watch Commander, the Jailer is charged with the following duties and responsibilities:

1. Booking and release of prisoners and their property.

2. Conduct booking related computer checks.

3. Care for the safety and welfare of all inmates. Including the ordering, preparation, and serving of food services for all inmates.

4. Immediately notify on-duty Watch Commander of any alleged or known medical problem or physical injury to an inmate, including a complaint of pain.

5. Gathering of evidence when appropriate.

6. Compliance with all applicable laws and rules affecting the jail operation.

7. Allow arrestees the opportunity to make telephone calls as provided by law.

8. Notation of any unusual traits of arrestee that would warrant special handling or close observation by subsequent jailers and bring any suspicious actions or behavior to the Watch Commander's attention.

9. Classification and proper segregation of inmates.

10. Complete medical pre-screening on all inmates.

11. Release eligible prisoners in accordance with the provisions of this manual.

12. Complete statistical analysis and administrative reports as required.

13. Insure that prisoners are properly searched prior to housing them in the jail facility.

E. Budgets & Food Cost Accounting

On a yearly basis the administrative staff will include projected food cost in the yearly San Fernando Police Department operation budget. The Jail Manager will make recommendations for this projection. The Jail Manager will keep records of money spent on food and food related items on a monthly basis. He/she will report to the Chief monthly on the amount of money spent, the number of meals served and the average cost per meal. Ultimately the food budget is approved by the Chief of Police and submitted to the City Council as part of the San Fernando Police Department annual budget.

F. Documentation & Record Keeping

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All documentation related to the purchasing, preparation and serving of food in the San Fernando Police Jail will be retained for a minimum of one year. This will include meal control logs, cooling unit temperature logs, billing records, loading lists, and memos documenting monthly food cost from the Jail Manager.

SECTION 7 – EMERGENCY FEEDING PLAN

In the event there is an emergency that would prevent food delivery/serves of food by LASD Food Service Unit, food can be purchased from one of the following locations using the corporate credit card accounts, or petty cash:

Smart & Final – 10893 San Fernando Road

San Fernando, CA 91331

Phone: (818) 896 - 9662

OR ANY VENDOR/PROVIDER FROM THE CITY OF SAN FERNANDO

Plates, bags, utensils, and unconsumed food will be collected no sooner than 30 minutes and no later than 90 minutes after it is served. The jailer/officer removing the meal must verify that the plastic eating utensils have been returned and not retained by the inmate. At the discretion of the jailer/officer, the inmate may be allowed to retain one Styrofoam or paper cup for drinking water. Any leftover food will be removed from the jail area and discarded in the appropriate trash receptacles.

Refrigerated milk and juices will be disposed of on or before the expiration date. All excess sack meals will be marked with the date received prior to being placed in the refrigerator. Excess sack meals will be utilized on a First In, First Out (FIFO) basis. Excess refrigerated sack meals will not be kept for more than three days.

Dispose of all items in a trash can with a plastic liner prior to contents being placed in the outside garbage bin. The trash can will be kept covered and emptied on a daily basis.

The following vendors have been authorized for the maintenance and repair of all food service equipment and appliances: Angry Chef Kitchen Repair and Blue Air Commercial Refrigeration.

SECTION 8 - RECALL OF FOOD PRODUCTS

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From time to time products may be contaminated with bacteria or other harmful substances, such as the recent shelled eggs and spinach recalls.

Los Angeles County Sheriff's Department (LASD) subscribed to the USDA/FDA recall notices. Once there is a food product on the recall list, LASD will receive a notice in the e-mail. LASD will check the list against our inventory. We have made up the proportion trays with cook chill items that we had cooked to 180 degrees above following the HACCP plan. The products are chilled to below 41 degrees and stored in a deep chill cooler for product safety. LASD food buyers will verify with our vendors if there is a known recall to ensure food safety for all parties. If an item in our ingredient is under recall, all prepared items will not be used and we will notify the health department immediately.

It is the policy of LASD to maintain a sample of each cook and chill product. LASD will send the sample for product testing if there is any doubt about the food safety of that product. If LASD received any of the recalled products, that product will be wrapped and put aside in a designated area to be returned to the vendor.

If LASD has distributed the items to the City and Sheriff's Jails that have been recalled, LASD will notify concerned parties immediately. The jails will also be instructed to take appropriate actions to the recalled products.

During massive recalls by USDA or FDA, LASD will verify with the vendor to ensure the existing inventory is not on the recall list. The Health Department and all jails will be notified of such results that our product is involved in the active recall.

Any questions about the products that Sheriff's Department produced or distributed please direct questions to Benson Li, Manager, Sheriff's Food Service Unit at (213) 893-5109 or e-mail BPLi@lasd.org.

900.8 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the San Fernando Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.8.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

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Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determines that the removal of restraints is medically necessary.

Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.

900.9 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. Release of the property requires both the owner's and the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

900.10 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to Department employees.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by Department employees shall occur no less than every 15 minutes (15 CCR 1027.5).

1. Safety checks should be at varying times.
2. All safety checks shall be logged.

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3. The safety check should involve questioning the individual as to his/her well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

900.10.1 USE OF SOBERING CELL

Inmates who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

(a) Placement of an inmate into the cell requires approval of the Watch Commander.

(b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.

(c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.

(d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.

(e) All inmates should be released from the sobering cell no later than six hours after placement therein; however, if for any reason an inmate is in the sobering cell for 12 hours, inmates shall receive a second evaluation by a qualified medical professional. This will be in addition to the initial assessment at six hours as described in d. above.

(f) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.11 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Operations Division Commander Support Services Commander or the Chief of Police designee will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the San Fernando Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the Watch Commander, Chief of Police, Detective Division Commanderand Patrol Division Division Commander.

(c) Notification of the spouse, next of kin or other appropriate person.

(d) Notification of the appropriate prosecutor.

(e) Notification of the City Attorney.

(f) Notification of the [Medical Examiner/JOP].

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(g) Evidence preservation.

(h) In-custody death reviews (15 CCR 1046).

(i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525).

900.12 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the San Fernando Police Department unless escorted by an employee of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.

    (a) The Department employee transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.12.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The [Department/Office] shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

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900.13 ASSIGNED ADMINISTRATOR

The Support Services Division Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment (15 CCR 1200)

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032

(h) Disaster plans

(i) Building and safety code compliance

(j) Civil and other disturbances including hostage situations

(k) Periodic testing of emergency equipment

(l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012

(m) Inspections and operations reviews

(n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.14 TRAINING

Department employees should be trained and familiar with this policy and any supplemental procedures.

Department employees responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include, but not be limited to, the following (15 CCR 1024):

(a) Applicable minimum jail standards

(b) Jail operations liability

(c) Inmate segregation

(d) Emergency procedures and planning, fire safety and life safety.

(e) Suicide prevention

Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

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The Training Supervisor shall maintain records of all such training in the member’s training file.

900.15 SUPPLEMENTAL GUIDELINES

The attached guidelines are intended to supplement matters relating to custody of persons held in the Department's jail facility. In the event of any conflict between the attached guidelines and any information contained in this or any other policy in this Manual, the Manual shall control; provided however that the Chief or his/her designee retains the discretion to give anything set forth in the attached guidelines controlling effect.

See attachment: 4-100 Facilities Management.pdf

See attachment: 4-102 Training Personnel and Management.pdf

See attachment: 4-104 Records and Public Information.pdf

See attachment: 4-200 Arrest Transportation and Booking Part I.pdf

See attachment: 4-200 Arrest Transportation and Booking Part II.pdf

See attachment: 4-202 DNA Samples.pdf

See attachment: 4-203 Classification and Segregation.pdf

See attachment: 4-205 Security and Control.pdf

See attachment: 4-301 Visiting.pdf

See attachment: 4-303 Discipline.pdf

See attachment: 4-305 Medical and Mental Health Services.pdf

See attachment: 4-400 Food Service.pdf

See attachment: 4-500 Inmate Clothing and Personal Hygiene.pdf

See attachment: 4-600 Bedding and Linens.pdf

See attachment: 4-700 Facility Sanitation Safety and Maintenance.pdf

See attachment: 4-800 Juvenile Procedures.pdf

See attachment: 4-803 Non Detained Minors.pdf

See attachment: 4-805 Care of Minors in Temporary Custody.pdf

See attachment: 4-807 Secure detention of Minors.pdf

See attachment: 4-809 Non Secure Custody of minors.pdf

See attachment: 4-811 Intoxicated and Substance Abuse Minors.pdf

See attachment: 4-813 Juvenile Coordinator.pdf

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Custodial Searches

901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the San Fernando Police Department facility. Such items can pose a serious risk to the safety and security of department staff, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

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901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the San Fernando Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

901.4.1 PROPERTY

Employees shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this Department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department employee. The inventory should include the case number, date, time, member's San Fernando Police Department identification number and information regarding how and when the property may be released.

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The Department employee sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope. Whenever the amount exceeds $500, the amount shall be verified by the Watch Commander.

901.5 STRIP SEARCHES

No individual in temporary custody at any San Fernando Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

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(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at San Fernando Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All employees involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second employee of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.

2. The reasons less intrusive methods of searching were not used or were insufficient.

3. The written authorization for the search, obtained from the Watch Commander.

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4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the employee based his/her belief that the individual was concealing a weapon or contraband.

(g) No employee should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

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901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department employees present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

901.7 TRAINING

The Training supervisor shall ensure members have training that includes (28 CFR 115.115):

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(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

901.8 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Employees (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

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Prison Rape Elimination

902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the San Fernando Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

902.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the detainee, prisoner, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

902.2 POLICY

The San Fernando Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The San Fernando Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee Department efforts to comply with PREA standards in the San Fernando Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and Department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the Department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Detainees or prisoners may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

902.4.1 EMPLOYEE RESPONSIBILITIES

Department employees shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All employees shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any Departmentemployee that may have contributed to an incident or retaliation (28 CFR 115.161).

No employee shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

902.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the Department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and Department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received Department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the San Fernando Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this Department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and

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regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Department employees who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the employee's disciplinary history and the sanctions imposed for comparable offenses by other employees with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by employees who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify an employee to monitor the conduct and treatment of detainees, prisoners or employees who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The employee shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

902.7 REVIEWS AND AUDITS

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902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the Department’s progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the Department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from San Fernando Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the Department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive Department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Supervisor shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Supervisor shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the San Fernando Police Department and that are promulgated and maintained by the Personnel Department.

1000.2 POLICY

In accordance with applicable federal, state, and local law, the San Fernando Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The [Department/Office] does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The [Department/Office] will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 RECRUITMENT

The Support Services Division Commander or Chief of Police designee should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e)

(f) Consideration of shared or collaborative regional testing processes.

The Support Services Division Commander or Chief of Police designee shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

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The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes, including the POST mandated background process.

(e) Information obtained from public Internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

(k) Written PELLETB examination or equivalent for entry level police officer candidates

(l) Physical Ability Test for entry level applicants for police officer

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the San Fernando Police Department (11 CCR 1953).

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The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Support ServicesDivision Commander or Chief of Police designee shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Support Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, Internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Support Services Division Commander or Chief of Police designees and background investigators should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

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1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the San Fernando Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Personnel Department should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

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(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

(c) At least 18 years of age

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test or obtained a two year, four year or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

1000.8 PROBATIONARY PERIODS

The Chief of Police or his designee should identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The San Fernando Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

1001.3 PROBATIONARY PERSONNEL

Civilian personnel are on probation for six months or 12 months, depending on assignment, before being eligible for certification as permanent employees. An evaluation is completed monthly for all civilian personnel during the probationary period.

Sworn personnel are on probation for 12 months beginning with the first day of their patrol training before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period. Per the City's personnel rules, a sworn employee's probationary period may be extended up to six months in the discretion of the Chief of Police.

1001.4 PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed at the end of every deployment period by the employee's immediate supervisor.

Probationary Employees- An end of probation evaluation will be required for all employees on probation as a result of being hired and and competing the one year probation period. Such evaluations will also be completed for employees who have been promoted and require an end of probation evaluation. Step increases, per the City's personnel rules, are generally not approved

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without these required evaluations and the employee cannot achieve permanent regular status without the evaluation and noting successful completion of the probationary period..

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than two months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

1001.4.1 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Exceeds Standards - Represents performance that is better than expected of a fully competent employee.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Below Standards- Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A below standardsrating must be thoroughly discussed with the employee.

Space for written comments is provided in the evaluation form for the rater's constructive comments. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked below standard or exceeding standards shall be substantiated in the rater comments section provided on the form.

1001.5 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 should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent

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employees may also write comments in the Employee Comments section of the performance evaluation report.

1001.6 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

1001.7 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.

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Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for promotions and for making special assignments within the San Fernando Police Department.

1002.2 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the San Fernando Personnel Department.

1002.3 POLICY

The San Fernando Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.4 SPECIAL ASSIGNMENT POSITIONS

The following positions are considered special assignments and not promotions:

(a) Special Response Team member

(b) Detective

(c) Motorcycle officer

(d) Bicycle Patrol officer

(e) Canine handler

(f) Field Training Officer

(g) Administrative Sergeant

1002.4.1 GENERAL REQUIREMENTS

The following requirements should be considered when selecting a candidate for a special assignment:

(a) Four years experience as a San Fernando Police Department officer, except Administrative Sergeant (in such case, one year as current Sergeant required and off probation).

(b) Off probation

(c) Possession of or ability to obtain any certification required by POST or law for the position as described in the assignment announcement

(d) Exceptional skills, experience, or abilities related to the special assignment

1002.4.2 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

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(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity
2. Stress tolerance
3. Sound judgment and decision-making
4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to [department/office] goals and objectives in a positive manner

1002.4.3 SELECTION PROCESS

The selection process for special assignments may include an administrative evaluation and an oral interview by a panel as determined by the Chief of Police. The selection process for all special assignment positions may be waived for temporary assignments, emergency situations, training, and at the discretion of the Chief of Police. Requirements and information regarding any promotional process are available at the San Fernando Police Department.

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Grievance Procedure

1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any [department/office] employee that, if true, would constitute a violation of [department/office] policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1003.2 PROCEDURE

Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with immediate supervisor.

(b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the Division Commander of the affected division.

(c) If a successful resolution is not found with the Division Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, then the employee shall proceed as follows:

1. Submit in writing a written statement of the grievance and deliver one copy to the Chief of Police and another copy to the immediate supervisor and include the following information:

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(a) The basis for the grievance (i.e., what are the facts of the case?).

(b) Allegation of the specific wrongful act and the harm done.

(c) The specific policies, rules or regulations that were violated.

(d) What remedy or goal is being sought by this grievance.

(e) The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(f) The Chief of Police will receive the grievance in writing. The Chief of Police and the City Manager will review and analyze the facts or allegations and respond to the employee within 14 calendar days. The response will be in writing, and will affirm or deny the allegations. The response shall include any remedies if appropriate. The decision of the City Manager is considered final.

1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1003.3.1 NONDISCIPLINARY MATTERS

It is the intent of the police department that all grievances be settled quickly and fairly, without any subsequent discrimination against employees who may seek to adjust a grievance.

(a) Definition: For purposes herein a grievance is an allegation by an employee that he or she was directly wronged in connection with the rights accruing to his or her job classification, benefits, working conditions, appointment, reappointment, promotion, reassignment, or the like.

(b) Matters Not Grievable: A grievance does not include matters, such as the salary structure which require City Council action. The grievance procedures shall not be used to establish new policies or change any existing rules or regulations.

(c) Probationary Employees: A grievance shall include any type of discipline of a probationary employee, including termination.

(d) Permanent Employees: A grievance shall not be used for any type of discipline of a permanent employee, with the exception of written reprimand.

(e) Disciplinary Actions: A permanent employee shall not file a grievance for a demotion, reduction in pay, suspension with recommendation for termination and/or termination, or when other appeal procedures exist in accordance with the personnel rules.

(f) Confidentiality: Matters regarding the subject of a grievance of an employee will be kept confidential by immediate supervisors and higher level authorities.

1003.3.2 INFORMAL GRIEVANCE ADJUSTMENT

Whenever possible, an employee who has a complaint should try to resolve the matter without delay through informal discussion with the immediate supervisor. The immediate supervisor shall

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make whatever investigation is necessary and reply to the employee within ten working days. If the employee is not satisfied with the decision reached through the informal discussion and/or if other extenuating circumstances exist, he or she may file a formal grievance within ten working days after having received the reply.

1003.3.3 FORMAL GRIEVANCE PROCEDURE

(a) The formal grievance procedure may be followed only after attempts to resolve a problem through the informal grievance adjustment procedure have failed.

(b) If, after this discussion, the employee is not in agreement with the decision reached, he or she may, within 10 working days of the occurrence of the facts constituting the grievance, file a formal grievance in writing to the Chief of Police with a copy to the personnel office.

(c) The Chief of Police shall make whatever investigation is deemed necessary to allow fair consideration of the situation and shall present a written reply to the employee within ten working days after receipt of the grievance.

(d) Failure to appeal within this time frame shall be considered a denial. A copy of the reply shall be forwarded to the personnel officer.

1003.3.4 APPEAL OF DECISION OF CHIEF OF POLICE

If the employee is not satisfied with the decision of the Chief of Police he or she may file a written appeal to the City Manager within ten working days after having received the reply of the Chief of Police. Within ten working days, the City Manager shall make a written decision that shall be final and binding on all parties.

1003.3.5 GENERAL CONDITIONS

The personnel officer shall receive and retain copies of all written materials pertaining to the grievance. At any step in the informal grievance adjustment or formal grievance procedure, the Chief of Police, the employee's supervisor or the employee may request a representative of the personnel department to participate in any discussions which may take place.

Only the concerned employee may initiate grievances. An employee may represent himself or select whomever he desires to represent him in the grievance process.

If an employee fails to proceed with a grievance within any of the time limits specified in this section, it shall be assumed that the grievance has been settled on the basis of the last decision reached. Any extension of the time limits specified in this section may be provided when mutually agreed upon by all parties concerned.

1003.4 GRIEVANCE AUDITS

The Training supervisor shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training supervisor shall record these findings in a

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confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training supervisor should promptly notify the Chief of Police.

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Reporting of Employee Convictions

1004.1 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.

1004.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS

California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All employees are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1004.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

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 contendre 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.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

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 employees of this Department may be inherently in conflict with law enforcement duties and the public trust.

1004.4 REPORTING PROCEDURE

All employees of this Department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All employees and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired

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officers) in writing if the employee or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any employee whose criminal conviction unduly restricts or prohibits that member 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 effort to remove such disqualification or restriction shall remain entirely the responsibility of the employee on his/her own time and expense.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1004.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, 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 Penal Code § 29855 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.

1004.5.1 NOTIFICATION REQUIREMENTS

The Chief of Police or his/her designee shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this Department or any former peace officer if this Department was responsible for the investigation (11 CCR 1003).

The Chief of Police or his/her designee shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this Department (11 CCR 1003).

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Drug- and Alcohol-Free Workplace

1005.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1005.2 POLICY

It is the policy of this Department to provide a drug- and alcohol-free workplace for all employees.

1005.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on duty except in the performance of a special assignment as described in Policy Manual § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs while on duty, on City property or at any other time.

1005.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on Department time can endanger the health and safety of Department employees and the public. Such use shall not be tolerated (41 USC § 8103).

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected employees shall notify the Watch Commander or appropriate supervisor as soon as the employee is aware that he/she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1005.3.1 USE OF MEDICATIONS

Employees should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any employee who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No employee shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

1005.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action. In addition, cannabidiol ("CBD") products derived from marijuana remain Schedule 1 drugs under federal law. Accordingly, employees are prohibited from using marijuana and/or CBD products derived from marijuana.

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(Note: Until the federal government establishes regulations and procedures to certify CBD products that are legal under federal law, the Department strongly recommends that employees refrain from using any CBD product.)

1005.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on premises Department or on Department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1005.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Personnel Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1005.6 WORK RESTRICTIONS

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employeefrom continuing work and shall ensure that he/she is safely transported away from the Department.

1005.7 REQUESTING SCREENING TESTS

The supervisor, with approval of the Division Commander, may request an employee to submit to a screening test under the following circumstances:

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(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1005.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1005.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1005.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1005.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

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The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1006.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1006.2 DEFINITIONS

Absence - Any time off other than Protected or Approved Time Off.

Approved Time Off - Supervisor approved time off based on any of the following:

Vacation, Compensatory time, Holiday

Pattern of Abuse - Multiple absences occurring around scheduled days off or other time off such as vacations, holidays, payback days, or weekends. Abuse may also be established based on a pattern of absences on the same day of the week, in conjunction with other activities, or using sick leave when ordered to work extra hours.

Protected time off - Any time off approved for eligible employees that is protected by federal or state laws (e.g., Family Medical Leave Act, California Family Rights Act, Pregnancy Disability Leave, Workers Compensation Leave, Military Leave, Jury Service or any other applicable leave protected by law).

Scheduled Absence – Prearranged (e.g., military leave, properly applied and approved family medical leave).

Sick Leave - A form of paid time off that may be provided to an employee for absence that is necessitated by personal illness, injury, or approved Family or Medical Leave (refer to the City of San Fernando Administrative Procedures and applicable MOU for details and restrictions).

Sick Leave Abuse - The use of sick leave for any purpose not listed under Sick Leave. Any employee found to be abusing sick leave benefits shall be subject to disciplinary action, up to and including termination. Sick Leave Abuse also includes absences described under Pattern of Abuse above.

Unpaid Leave of Absence - As a general rule, all available accrued paid leave must be used before unpaid leave can be granted. Employees should refer to the City of San Fernando Administrative Procedures and applicable MOUs for additional guidance.

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1006.3 POLICY

It is the policy of the San Fernando Police Department to provide eligible employees with a sick leave benefit.

1006.4 SICK LEAVE WITHOUT PAY

Employees may be required to exhaust all paid leave before leave without pay is granted for personal illness or injury (see the applicable MOU for details). An employee who requests sick leave after having exhausted his/her sick leave benefits may be required to take sick leave without pay unless the use of other paid leave is approved in advance by the employee's Division Commander.

1006.5 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

1006.5.1 NOTIFICATION

All employees should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. Patrol personnel and desk officers are required to make notification no less than four hours before the start of their scheduled shifts. Detectives and administrative personnel are required to make notification to the Watch Commander or appropriate supervisor no less than two hours before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor (Labor Code § 246). When an employee calls out sick, the Watch Commander or their supervisor, as appropriate, shall be responsible for calling the employee to verify their status and shall report such status on the Watch Commander log for patrol personnel and on the yellow "Request for Time Off" sheet (middle of page under "Comments") for all personnel.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1006.6 EXTENDED ABSENCE

Employees absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1006.7 REQUIRED NOTICES

The Support Services Commander shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1006.8 AUDITS AND VALIDATION OF USE OF SICK LEAVE

The Chief of Police or designee in his/her discretion may conduct periodic audits of sick leave usage and make anonymous copies available for viewing. In connection therewith, employees who call in sick immediately before or following any type of scheduled leave or overtime assignment may be required to submit a signed note from a licensed health care provider to the office of the Chief of Police attesting that the sick leave was for an approved reason as defined in § 1006.2 of this Policy. The Chief of Police or his/her designee may require a note from a licensed health care provider following the use of any sick time.

Failure to provide the required certification or to provide it within the designated time period may result in loss of sick leave pay. If sick leave pay is denied and the employee is overpaid as a result, such overpayment shall be deducted from the employee's next paycheck.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30 days notice of the intent to take leave (Labor Code §246).

When an employee is off work due to an injury or disability, whether job-related or not, the employee must provide a health care provider's statement that the employee is fully capable of performing the full duties of the employee's job before being permitted to return to work.

At the discretion of the Chief of Police or designee, an employee absent for more than 30 calendar days due to an illness or injury may be required to submit to and pass a medical examination regarding the specific illness or injury from a Department approved licensed physician before being permitted to return to work.

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1006.9 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Personnel Department as appropriate.

(c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:

  (a) Negatively affected the employee’s performance or ability to complete assigned duties.

  (b) Negatively affected Department operations.

(d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible employees to an available employee assistance program when appropriate.

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Communicable Diseases

1007.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1007.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

Exposure - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the San Fernando Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1007.2 POLICY

The San Fernando Police Department is committed to providing a safe work environment for its members. Employees should be aware that they are ultimately responsible for their own health and safety.

1007.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that Department employees will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each employee's position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).

2. Bloodborne pathogen mandates including (8 CCR 5193):

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(a) Sharps injury log.

(b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):

(a) Engineering and work practice controls related to airborne transmissible diseases.

(b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding employee exposures (Penal Code § 7510).

5. Establishing procedures to ensure that employees request exposure notification from health facilities when transporting a person that may have a communicable disease and that the employee is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing employees of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other Department employees to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1007.4 EXPOSURE PREVENTION AND MITIGATION

1007.4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

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(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1007.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1007.5 POST EXPOSURE

1007.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

(d) Notify the Company Nurse hotline of the exposure

1007.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

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(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

(i) Facilitate notification to the Company Nurse hotline

The supervisor shall advise the employee that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1007.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department employees shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the employee has been informed of the results of the evaluation.

(b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

1007.5.4 COUNSELING

The Department shall provide the employee, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1007.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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(c) Testing the exposed employee for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed employee qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1007.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1007.7 TRAINING

All employees shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1008.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others while on-duty or while in San Fernando Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1008.2 POLICY

The San Fernando Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its employees. Therefore smoking and tobacco use is prohibited by employees and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1008.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees is prohibited anytime employees are in public view representing the San Fernando Police Department.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1008.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1008.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Personnel Complaints

1009.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of employees of the San Fernando Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to a criminal investigation.

1009.2 POLICY

The San Fernando Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its employees.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1009.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1009.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Watch Commander is satisfied that appropriate action has been taken as the employee's immediate supervisor and is documented in the watch commander log.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused employee or referred to the Division Commander, depending on the seriousness and complexity of the investigation and as determined appropriate by the Chief of Police.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Chief of Police such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1009.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1009.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1009.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1009.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1009.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1009.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints, including complaint disposition, are properly documented. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.

1009.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows

1009.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with an internal or external investigator designated by the Chief of Police.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    (a) The original complaint form will be directed to the Watch Commander and Division Commander of the accused employee., who will take appropriate action and/or consult with the Chief of Police to determine who will have responsibility for the investigation.
    (b) 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 Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
    (a) Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
    (b) If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Division Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander Division Commander and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Personnel Department and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

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(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused employee are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1009.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or an employee acting in the capacity of an internal affairs investigator, the following applies to employees covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.

(b) Unless waived by the employee, interviews of an accused employee shall be at the San Fernando Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused employee.

(d) Prior to any interview, an employee shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the employee's personal needs should be accommodated.

(f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

(a) An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

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(b) No information or evidence administratively coerced from a employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) 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.

(i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All employees shall provide complete and truthful responses to questions posed during interviews.

(k) No employee may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

1009.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the employees, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - 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 - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

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1009.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve Department employees. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

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 - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or [department/office] policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1009.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1009.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The employee conducting or overseeing an invetsigation the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1009.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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).

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1009.7.1 DISCLOSURE OF FINANCIAL INFORMATION
An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1009.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

1009.9 CRIMINAL INVESTIGATION

Where an employee is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when an employee is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The employee should not be administratively ordered to provide any information in the criminal investigation.

The San Fernando Police Department may release information concerning the arrest or detention of any employee, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1009.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police unless otherwise directed by the Chief of Police..The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

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1009.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Chief of Police shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Chief of Police shall make the final determination on the disposition of any allegations and the amount of discipline, if any, to be imposed.

The Chief of Police may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

1009.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the employee with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the employee with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

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

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

Once the employee has completed his/her response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1009.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(e)).

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1009.10.4 NOTICE REQUIREMENTS
The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

1009.11 PRE-DISCIPLINE 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 of Police 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) The 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 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 of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results 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 of Police on the limited issues of information raised in any subsequent materials.

1009.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

1009.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

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1009.14 PROBATIONARY EMPLOYEES AND OTHER EMPLOYEES

At-will and probationary employees and those employees other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304). At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1009.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

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Seat Belts

1010.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1010.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1010.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Employees must be prepared to justify any deviation from this requirement.

1010.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

1010.4 POLICY

It is the policy of the San Fernando Police Department that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1010.5 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

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, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the

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front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1010.6 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

1010.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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Body Armor

1011.1 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.

1011.2 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.

1011.2.1 USE OF SOFT BODY ARMOR

The Department requires all on-duty uniformed officers to wear soft body armor. When working in non uniform assignments, including swap meet contract duty or in a detective assignment, personnel shall have their soft body armor available and accessible when in the station or in the field on assignment, e.g. in the trunk of their assigned vehicle..

Body armor must be either department-issued or department-approved.

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Personnel Records

1012.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

1012.2 POLICY

It is the policy of this Department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1012.3 DEPARTMENT FILE

The Department file shall be maintained as a record of a person's employment/appointment with this Department. The Department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family employees, educational and employment history or similar information. A photograph of the employee should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.

    (a) Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).

    (b) Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the Department file after the employee has had the opportunity to read and initial the comment (Government Code § 3305).

    (a) Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).

    (b) Any employee response shall be attached to and retained with the original adverse comment (Government Code § 3306).

    (c) 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 and the employee should sign or initial the noted refusal. Such a refusal,

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however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1012.4 DIVISION FILE

Division files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

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 Government Code § 3306.

1012.5 TRAINING FILE

An individual training file shall be maintained by the Training supervisorfor each employee. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and may includefirearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved employee is responsible for providing the Training supervisorand their immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training supervisor shall ensure that copies of such training records are placed in the employee’s training file.

1012.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Division Commander in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Division Commander.

These files shall contain the complete investigation of all formal complaints of employee misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the employee's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

Investigation files arising out of civilian’s complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five years. Investigations that

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resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least two years (Government Code § 26202; Government Code § 34090).

1012.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.

(e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1012.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Administrator, City Attorney or other attorneys or representatives of the City in connection with official business.

1012.8.1 REQUESTS FOR DISCLOSURE

Any employee receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

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All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

1012.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

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 employee of this Department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the employee who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the employee (or representative) knows 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).

1012.9 BRADY MATERIAL IN PERSONNEL FILES

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.

1012.9.1 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.

1012.9.2 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.

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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.

1012.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police 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

(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.

1012.10 EMPLOYEE ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any employee may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any employee seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the employee with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the employee's request and the written response from the Department shall be retained with the contested item in the employee's corresponding personnel record (Government Code § 3306.5).

Employees may be restricted from accessing files containing any of the following information:

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(a) An ongoing internal affairs investigation 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 that have not been sustained against the employee.

(c) Criminal investigations involving the employee.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the employee.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the employee that may be discovered in a judicial proceeding.

1012.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each employee’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required 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 required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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1012.12 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and Department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the Department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

1012.12.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(6)).

1012.12.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

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(b) Filed criminal charges

1. When charges are filed related to an incident where force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until whichever occurs later:

(a) There is a determination from the investigation whether the use of force violated law or [department/office] policy, but no longer than 180 days after the date of the [department/office]'s discovery of the use of force or allegation of use of force

(b) Thirty days after the close of any criminal investigation related to the officer's use of force

1012.12.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the [Department/ Office] must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about use of serious force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the [Department/Office] may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(7)).

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Request for Change of Assignment

1013.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the request for re-assignment, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1013.2 REQUEST FOR CHANGE OF ASSIGNMENT

Personnel wishing a change of assignment are to complete a memorandum. The memo should then be forwarded through the chain of command to their Division Commander.

1013.2.1 PURPOSE OF MEMORANDUM

The memorandum is designed to aid employees in articulating the reasoning for the request.request.

The memorandum will be reviewed by the Chief of Police to determine reasonableness and feasibility of accomondating the requested change of assignment.

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Commendations and Awards

1014.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the San Fernando Police Department and individuals from the community.

1014.2 POLICY

It is the policy of the San Fernando Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1014.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any Department member or by any person from the community.

1014.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1014.4.1 DOCUMENTATION

Employees of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

  (a) For employees of the Department - name, division and assignment at the date and time of the meritorious or commendable act

  (b) For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the employee submitting the documentation.

1014.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Departmentemployees accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

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(a) For employees of the Department - name, division and assignment at the date and time of the meritorious or commendable act

(b) For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1014.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of an employee of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the Departmentemployee for his/her signature. The documentation will then be returned to the Chief's Administrative Services secretary for entry into the employee's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

1014.5 AWARDS

Awards may be bestowed upon employees of the Department and individuals from the community. These awards include, but are not limited to:

- Award of Merit.
- Award of Valor.
- Lifesaving Award.
- Meritorious Conduct.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.

1014.6 WEARING OF MEDALS, AWARDS, RIBBONS AND ACCESSORIES

Department employees shall abide by the attached policy for the wearing of medals, awards, ribbons and accessories. See attachment: Ribbons Policy Modified.pdf

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Fitness for Duty

1015.1 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).

1015.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each employee of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each employee 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.

1015.3 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 Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1015.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1015.5 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.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, 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 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.

1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Personnel Department 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. 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)).

(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.

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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.

1015.7 LIMITATION ON HOURS WORKED

Absent emergency operations employees should not work more than:

- 18 hours in one day (24 hour) period or
- 36 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances employees should have a minimum of 6 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 employee 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.

1015.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager and as agreed upon in the employee's relevant bargaining unit memorandum of understanding.

1016.1.1 MEAL PERIODS

Sworn employees shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks.

Uniformed officers should take their breaks within the City limits unless on assignment outside of the City. On duty personnel may purchase lunch outside the city and return to the city to consume their lunch with approval of their watch commander provided the location is not beyond one mile of the city's borders.

The time spent for the meal period shall not exceed the authorized time allowed per each MOU.

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Lactation Break Policy

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code § 1034).

1017.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1017.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1017.5.1 STATE REQUIREMENTS

Employees have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the employee with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Employees who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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Payroll Records

1018.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of Department employees who are eligible for the payment of wages.

1018.2 POLICY

The San Fernando Police Department maintains timely and accurate payroll records.

1018.3 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

1018.4 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to the Office of the Chief of Police.

1018.5 RECORDS

Watch Commanders review and approve payroll for the Patrol Division. The Detective Division Commander reviews and approves payroll for the Detective Division. The Patrol Commander reviews and approves payroll for Sergeants. The Support Services Division Commander reviews and approves payroll for Records and Property. All of the foregoing payroll is submitted to the Chief of Police for final approval of payroll and shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

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Overtime Compensation Requests

1019.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must have supervisor approval.

1019.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed 100 hours of compensatory time.

1019.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1019.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete their timesheets after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

1019.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Division Commander for final approval

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1019.2.3 DIVISION COMMANDERS RESPONSIBILITY
Division Commanders, after approving payment, will then forward the form to the Chief of Police for review.

1019.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1019.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	.25
16 to 30 minutes	.50
31 to 45 minutes	.75
46 to 60 minutes	1 hour

1019.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the timesheet.

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Outside Employment

1020.1 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 of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy. Nothing in this policy shall preclude reserve officers from working their full- or part-time jobs provided such jobs are not predicated upon their peace officer status, in which case this policy shall apply in all respects.

1020.1.1 DEFINITIONS

Outside Employment - Any employee 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 employee 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.

1020.2 OBTAINING APPROVAL

No employee of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1020.3 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 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 an employee 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

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(d) Involves time demands that would render performance of the employee's duties for this department less efficient

1020.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no employee of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position without the prior written approval of the Chief of Police and issuance by the Chief of Police of an Outside Employment Permit. As stated above, permits will as a general rule be denied with rare exception because of the conflict of interest it may present. In all cases the granting of a permit shall impose conditions which ensure compliance with Penal Code § 70.

Any private organization, entity or individual seeking special services for security or traffic control from employees of this department must submit a written request to the Chief of Police 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 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 of Police.

1020.3.2 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.

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1020.4 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.

1020.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1020.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department employees engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The employee's Division Commander shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

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Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee’s failure to make timely notice of their intentions to their Division Commander.

When the disabled employee returns to full duty with the San Fernando Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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Occupational Disease and Work-Related Injury Reporting

1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, mental health issues, and work-related injuries.

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1021.2 POLICY

The San Fernando Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1021.3 RESPONSIBILITIES

1021.3.1 EMPLOYEE RESPONSIBILITIES

Any employee sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate(8 CCR 14300.35)..

1021.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the employee receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly to their Division Commander. They shall also ensure the Company Nurse Hotline is notified by the employee in their presence as soon as practical. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1021.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Support Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1021.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Personnel Department. Copies of the report and related documents retained by the Department shall be filed in the employee's confidential medical file.

1021.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the office of the Chief of Police.

Unless the injury is extremely minor, this report shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing, the employee does not preclude his/her ability to later seek medical attention.

1021.5 SETTLEMENT OFFERS

When an employee sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to the office of the Chief of Police as soon as possible.

1021.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1022.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other employees of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1022.2 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 of Police has granted exception.

1022.2.1 HAIR

Hairstyles of all employees shall be neat in appearance. For male sworn employees, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn employees, 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.

1022.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1022.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1022.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1022.2.5 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.

1022.2.6 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. For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the Department employee or others.

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Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

Necklaces shall not be visible above the shirt collar. Earrings shall be small and worn only in or on the earlobe. One ring or ring set may be worn on each hand of the employee. No rings should be of the type that would cut or pose an unreasonable safety risk to the employee or others during a physical altercation, if the employee is assigned to a position where that may occur. One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm. Wristwatches shall be conservative and present a professional image. Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1022.3 TATTOOS

While on-duty or representing the Department in any official capacity, employees should make every reasonable effort to conceal tattoos or other body art. At no time while the employee is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

1022.4 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.

1022.5 EXEMPTIONS

Employees who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). An employee with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when an employee with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

1023.1 PURPOSE AND SCOPE

The uniform policy of the San Fernando Police Department 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 policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications areperiodically updated by the Chief of Police or his/her designee through memorandum or written directive. These written memorandum and directives should be consulted regarding authorized equipment and uniform specifications.

The San Fernando Police Department will provide uniforms or compensation for the purchase thereof for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

1023.2 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.

(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.

(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 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.

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(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized 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

1023.2.1 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 or 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 their Division Commander.

1023.3 UNIFORM CLASSES

1023.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie

(b) Polished shoes/boots

Boots with pointed toes are not permitted.

1023.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

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(a) The long or short sleeve shirt may be worn with the collar open. No tie is required

(b) A white or black crew neck t-shirt must be worn with the uniform

(c) All shirt buttons must remain buttoned except for the last button at the neck

(d) Shoes for the Class B uniform may be as described in the Class A uniform

(e) Approved all black unpolished shoes or boots may be worn

(f) Boots with pointed toes are not permitted

1023.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1023.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor, Swap Meet contract duty and other specialized assignments.

1023.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1023.4 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, 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, shall be worn at all times while in uniform. The nameplate shall display the employee's last name. The nameplate shall be worn and placed on the right pocket below the flap stitch line 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 shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

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(f) Flag Pin - A flag pin may be worn on the right pocket flap to the left of the nametag below the flap stitch line.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1023.5 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

(e) Variations from this order are allowed at the discretion of the Chief of Police 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 San Fernando Police Department or the morale of the employees.

1023.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, San Fernando Police Department 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,

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the image of another employee, or identify himself/herself as an employee of the San Fernando Police Department 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 non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1023.7 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 (see the Department Owned and Personal Property Policy).

1023.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the San Fernando Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the San Fernando Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1023.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

San Fernando Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Uniform Regulations

San Fernando Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Police Cadets

1024.1 PURPOSE AND SCOPE

Cadets work under direct supervision of the Department's Records Supervisor, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

Cadets must be a minimum of 18 years of age and can remain employed until their 23rd birthday unless otherwise authorized by the Chief of Police for the purpose of allowing the cadet to achieve their educational goal. The extension should not exceed one year.

1024.2 EDUCATION REQUIREMENTS

Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester.

1024.3 PROGRAM COORDINATOR

The Support Services Sergeant or designee of the Chief of Police will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments,status for compensation, school attendance and performance evaluations.

1024.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1024.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities upon reporting to their assignment in the Records Division. On-the-job training will be conducted in compliance with this policy mnaual. Training sessions will be scheduled as needed to train cadets in the field of law enforcement for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

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1024.5 CADET UNIFORMS

Each cadet will be provided two uniforms meeting the specifications described below:

- One class A long sleeve light blue uniform shirt
- One black tie
- One brush silver tie bar
- One light blue short sleeve uniform shirt
- One black short sleeve 5-11 or equivalent knit or poly polo shirt with badge insignia
- Two navy blue uniform pants
- One basket weave belt
- One pair of lack uniform shoes
- One lightweight 5-11 black jacket or equivalent
- One brush silver name plate with last name displayed

1024.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Support Services Sergeant.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1024.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by the Patrol Division Commander.. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1024.8 PERFORMANCE EVALUATIONS

Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets will be evaluated on a yearly basis to assess their current job performance and their potential for future employment.

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Police Explorers

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the procedures and guideline relating to Police Explorers. The intent of this memorandum is to minimize liability within the Explorer Program and to ensure the safety of all who participate in this award winning program.

1025.2 SUPERVISION

The Police Explorer Program. is under the direct supervision of the Chief of Police and his/her designee. Police Explorers must be supervised at pubic events only by on-duty Police or Reserve Police Officers wearing the Department uniform. Civilian Advisors may assist at public events, however, on-duty personnel are always in charge.

1025.3 EXPLORER POLICY

1025.3.1 WEAPONS

(a) All weapons, both real and similar, will be kept in the Police Department armory in a clearly marked and locked container.

(b) All weapons, both real and similar, will only be signed in and out by sworn Police Officer and Reserve Police Officer Explorer Advisors.

(c) Weapon sign in/out sheets are the responsibility of the Police Explorer Advisor; each entry must bear the signatures of the on-duty Watch Commander.

(d) No weapons, both real and similar, will be handled by Police Explorers without direct supervision.

(e) No weapons, both real and similar, will be stored in the Explorer facilities for any reason.

1025.3.2 TRANSPORTATION

Police Explorers will only be transported in Department vans or vehicles (whether owned, leased or otherwise used by the Department) by Police Department personnel that are 25 years or older and possess a proper license for the classification of vehicle.

1025.3.3 POLICE FACILITY ACCESS

(a) Police Explorers will no longer have access to the men's or women's locker rooms. Explorers are to use the public restrooms and their designated facilities to change clothes. Explorer Advisors must be present "' at all times to insure privacy and to coordinate these activities.

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(b) Police Explorers who are scheduled for ride-alongs with Police Officers must remain in the lobby until the assigned Officer arrives to take them on the ride-along.

(c) Police Explorers will not be allowed to enter the employee areas without the presence of an Explorer Advisor to supervise them.

1025.3.4 EQUIPMENT

Protective vests shall remain stored in clearly marked and locked containers and will be signed in and out by Police Department Explorer Advisors only.

Explorer Sam Brownes shall remain stored in clearly marked and locked containers and will be signed in and out by Police Department Explorer Advisors only.

1025.3.5 EXPLORER PARTICIPATION IN ACTIVITIES

(a) All Explorer activities shall be approved by the Chief of Police or his/her designee prior to participation in said activity. This includes expenses.

(b) The on-duty Watch Commander shall receive a copy of the Explorer activity including a roster of participants prior to departure for said activity.

(c) The Explorer Advisor in charge shall check in with the on-duty Watch Commander upon returning from said activity.

1025.4 ACCIDENTS / INJURIES / DISCIPLINE

(a) Any injury or accident involving Explorers or Explorer Advisors shall be reported immediately to the on-duty Watch Commander and the deaprtment's Learning for Life designated liaison,..

(b) Either the Chief of Police or his/her designee must be notified by the on-duty Watch Commander as soon as practical in the event of an injury or accident involving Explorers or Explorer Advisors.

(c) All Explorer related discipline issues shall be brought to the attention of the Chief of Police and his/her designee.

1025.5 ACCOUNTING

(a) All Explorer related expenses and reimbursements to Explorer Advisors shall include properly documented receipts.

(b) All Explorer related expenses for purchases of equipment and/or materials must be approved by the Chief of Police or his/her designee.

(c) Explorer expenses and compliance with the previously stated controls shall be audited a minimum of once annually. The results of said audits shall be provided to the Chief of Police and his/her designee.

(d) The Senior Explorer Advisor shall be responsible for proper and timely completion of the annual CBO Funding Application to City Council every year. The application must contain documentation of insurance for participating Explorers.

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1025.6 ADVISORS

(a) All civilian Explorer Advisors must complete an application (including fingerprinting, photo, and criminal history check) and receive a picture identification card prior to participation in the program.

(b) All new Explorer Advisors must read and be guided by the rules and regulations contained in the Explorer Advisor Manual

(c) All Advisors and the Department's Learning for Life Liaison must biannually complete the Youth Protection Training for Boy Scouts of America.

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Nepotism and Conflicting Relationships

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between employees of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1026.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, employees of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1026.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1026.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Department Badges

1027.1 PURPOSE AND SCOPE

The San Fernando Police Department badge and uniform patch as well as the likeness of these items and the name of the San Fernando Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1027.2 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 issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1027.2.1 FLAT BADGE

Sworn full-time and reserve officers, with the written approval of the Chief of Police are issued 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 San Fernando Police Department with the written approval of the Chief of Police.

(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 Department Owned and Personal Property Policy.

(c) An honorably retired full time officer is issued a retirement badge upon their retirement with approval of the Chief of Police.

(d) An honorably retired Reserve Police Officer is able to purchase a flat badge upon retirement with the Chief's express written approval.

1027.2.2 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).

(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.

1027.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement and with the approval of the Chief of Police, an employee who is issued a duty badgemay purchase his/her assigned duty badge for display purposes. It is intended that

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the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1027.3 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 of Police.

An employee 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.

1027.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the express authorization of the Chief of Police 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 San Fernando Police Department. 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 express approval of the Chief of Police.

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Temporary Modified-Duty Assignments

1028.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1028.2 POLICY

Subject to operational considerations, the San Fernando Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the San Fernando Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or his/her authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or his/her authorized designee shall confer with the Personnel Department or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Division Commander, with the approval of the Chief of Police.

1028.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander. The Division Commander should make all reasonable efforts to assign the affected employee to a 3/12 or 9/80 schedule based on the employee's current work schedule and the needs of the Department. All reasonable efforts should be made to retain the affected employee within their job classification; however, nothing in this policy is intended to prevent the Division Commander meeting the needs of the Department.

Employees on modified duty who are required to attend appointments for medical treatment or follow up to due a work-related injury will schedule such appointments during scheduled work hours. When appointments are scheduled during non-scheduled work hours, management retains the right to adjust the schedule to eliminate or minimize overtime related to such appointments and treatments.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1028.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete all required paperwork to facilitate the employee's change of schedule.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately

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account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their Division Commander no less than once every 30 days while the employee is on modified duty.

(c) Division Commanders shall keep the Chief of Police apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

(d) When it is determined that an employee on modified duty will return to regular duty, the Division Commander shall notify the Chief of Police and complete all required paperwork to facilitate the employee's return to their regular scheduled duty assignment. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1028.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment, in cases of recognized disability as provided under state and federal law. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1028.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee’s medical appointments, as mutually agreed upon with the Division Commander.

1028.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors and Division Commander of any change in restrictions or limitations after each appointment with their treating medical professionals.

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(c) Communicating a status update to their Division Commander no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1028.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1028.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1028.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

1028.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

1028.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

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1028.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1029.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1029.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

1029.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the San Fernando Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1029.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the San Fernando Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family, or

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associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1029.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the San Fernando Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the San Fernando Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the San Fernando Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the San Fernando Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches,

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marked vehicles, equipment or other material that specifically identifies the San Fernando Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1029.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the San Fernando Police Department or identify themselves in any way that could be reasonably perceived as representing the San Fernando Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 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 on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this Department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the San Fernando Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or

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indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1029.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any Department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1029.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1029.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Performance History Audits

1030.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for, and must be carefully balanced with the many variables in law enforcement such as:

- An officer's ability to detect crime.
- An officer's work ethic.
- An officer's work assignment and shift.
- An officer's physical abilities, stature, etc.
- Randomness of events.

1030.2 RESPONSIBILITIES

Under the authority of the Chief of Police or his/her designee,Records is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report for each officer to the appropriate Division Commander. Though generated quarterly, each Performance History Audit will contain data from a one-year time period.

1030.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

1030.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police of San Fernando Police Department has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include but are not limited to:

(a) The frequency and findings of use of force incidents.

(b) Frequency of involvement and conduct during vehicle pursuits.

(c) Frequency and findings of citizen complaints.

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(d) Number of commendations, compliments and awards (citizen and Department).

(e) Claims and civil suits related to the employee’s actions or alleged actions.

(f) Canine bite incidents.

(g) Internal Affairs investigations.

(h) Frequency and reasons for District Attorney case rejections.

(i) Intentional or accidental firearm discharges (regardless of injury).

(j) Vehicle collisions.

(k) Missed court appearances.

(l) Documented counseling memos.

1030.5 COMPILATION OF DATA

The Chief of Police's designee will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each officer during each quarter in order to prepare Performance History Audit Reports.

1030.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Chief of Police or his/her designee will notify each officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1030.7 DATA ANALYSIS AND ACTION

Upon receipt, the Division Commander will review each Performance History Audit Report and determine whether it should be provided to an officer’s immediate supervisor for further consideration. The officer’s immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues which may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer’s performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action after consultation with the Chief of Police.

If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy.

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1030.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Department Peace Officer Personnel Files Policy.

1030.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History Audit Reports shall be purged from the Internal Affairs Unit and all other locations within the Department one year from the date generated.

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Anti-Retaliation

1031.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1031.2 POLICY

The San Fernando Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1031.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1031.4 COMPLAINTS OF RETALIATION

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff personnel, Chief of Police or the City Personnel Manager.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee is part of the investigative process.

1031.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the employee how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of an employee to make any complaint.

(i)

1031.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

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Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all employees the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

(e) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1031.7 WHISTLE-BLOWING

California law protects employees who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the employee's supervisor or any other employee with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the employee has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority or a substantial and specific danger to public health or safety. Employees shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Employees are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Employees who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Division Commander or Chief of Police, as appropriate, for investigation pursuant to the Personnel Complaints Policy.

1031.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to employees regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

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1031.8 RECORDS RETENTION AND RELEASE

The Chief of Police or his/her designee shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1031.9 TRAINING

The policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

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Illness and Injury Prevention

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the San Fernando Police Department, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1032.2 POLICY

The San Fernando Police Department is committed to providing a safe environment for its employees and visitors and to minimizing the incidence of work-related illness and injuries. The Department will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1032.3 ILLNESS AND INJURY PREVENTION PLAN

The Support Services Division Commander or designee of the Chief of Police is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for employees to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of employee safety suggestions.

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8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1032.4 SUPPORT SERVICES RESPONSIBILITIES

The responsibilities of the Support Services Division Commander or designee of the Chief of Police include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of employee illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:

  (a) New employee orientation that includes a discussion of safety and health policies and procedures.

  (b) Regular employee review of the illness and injury prevention plan.

  (c) Access to the illness and injury prevention plan to members or their representatives as set forth in 8 CCR 3203.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.

(d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

  (a) Informing employees of the illness and injury prevention guidelines.

  (b) Recognizing employees who perform safe work practices.

  (c) Ensuring that the employee evaluation process includes employee safety performance.

  (d) Ensuring department compliance to meet standards regarding the following:

    (a) Respiratory protection (8 CCR § 5144)

    (b) Bloodborne pathogens (8 CCR § 5193)

    (c) Aerosol transmissible diseases (8 CCR § 5199)

    (d) Heat illness (8 CCR § 3395)

    (e) Emergency Action Plan (8 CCR § 3220)

    (f) Fire Prevention Plan (8 CCR § 3221)

    (g) Hazards associated with wildfire smoke (8 CCR § 5141.1)

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(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training and training providers.

(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1032.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Support Services Division Commander.

(e) Notifying the Support Services Division Commander or other designee of the Chief of Policewhen:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1032.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be

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immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Support Services Division Commander or designee of the Chief of Police via the chain of command.

The Support Services Division Commander or designee of the Chief of Police will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1032.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Support Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1032.7.1 EQUIPMENT

Employees are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Employees shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

1032.8 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured employee and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

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(f) Documentation of the findings and corrective actions taken.

(g) Completion of an Investigation/Corrective Action Report form.

(h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1032.9 TRAINING

The Support Services Division Commander should work with the Training Supervisorr to provide all employees, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all employees with respect to hazards specific to each employee's job assignment.

(c) To all employees given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1032.9.1 TRAINING TOPICS

The Training Supervisor shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed.

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

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(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1032.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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Line-of-Duty Deaths

1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to employees of the San Fernando Police Department in the event of the death of a employee occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy in situations where employees are injured in the line of duty and the injuries are life-threatening.

1033.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn officer during the course of performing law enforcement-related functions while on- or off-duty, or a civilian employee during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased employee, which can include spouse, children, parents, other next of kin or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the employee and whether the individual was previously designated by the deceased employee.

1033.2 POLICY

It is the policy of the San Fernando Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of an employee who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

1033.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased employee's supervisor should provide all reasonably available information to the Watch Commander and the Communications Center.

1. Communication of information concerning the employee and the incident should be restricted to secure networks to avoid interception by the media or others (see the Press Information Officer section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable including immediate notification to the Division Commander who will in turn notify the Chief of Police immediately.

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(c) If the employee has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

(d) The Chief of Police or the authorized designee should assign employees to handle survivor notifications and assign employees to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

1033.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased employee's emergency contact information and make accommodations to respect the employee's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the employee's wishes.

The [agencyHead or the authorized designee should select at least two employees to conduct notification of survivors, one of which may be a member of the clergy

Notifying employees should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the employee. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying employees shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying employees shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Employees shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

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(g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting childcare or other immediate needs.

(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other San Fernando Police Department employees may be apprised that survivor notifications are complete.

1033.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department employee that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the employee's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1033.5 NOTIFYING DEPARTMENT EMPLOYEES

Supervisors or employees designated by the Chief of Police are responsible for notifying department employees of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all employees on-duty at the time of the incident. Employees reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Employees reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those employees who are working later shifts or are on days off should be notified by phone as soon as practicable.

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Employees having a close bond with the deceased employee should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support group, modifying work schedules, approving sick leave) for employees who are especially affected by the incident.

Supervisors should direct employees not to disclose any information outside the Department regarding the deceased employee or the incident.

1033.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select employees to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Critical Incident Stress Management (CISM) coordinator.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Employees may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

1033.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Division Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include, but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System (NIMS).

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

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(f) Making necessary contacts for authorization to display flags at half-mast.

(g) Ensuring that department members are reminded of appropriate information–sharing restrictions regarding the release of information that could undermine future legal proceedings.

(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1033.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Arrange for appropriate and separate waiting areas for:

  (a) The survivors and others whose presence is requested by the survivors.

  (b) Department employees and friends of the deceased employee.

  (c) Media personnel.

(b) Ensure, as much as practicable, that any suspects who are in the hospital and their families or friends are not in close proximity to the employee's survivors or San Fernando Police Department employees (except for employees who may be guarding the suspect).

(c) Ensure that survivors receive timely updates regarding the employee before information is released to others.

(d) Arrange for survivors to have private time with the employee, if requested.

  1. The Hospital Liaison or hospital personnel may need to explain the condition of the employee to the survivors to prepare them accordingly.

  2. The Hospital Liaison should accompany the survivors into the room, if requested.

(e) Stay with survivors and ensure that they are provided with other assistance as needed at the hospital.

(f) If applicable, explain to the survivors why an autopsy may be needed.

(g) Ensure hospital bills are directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment and that the employee's residence address, insurance information and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include, but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased employee's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

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1033.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any employee who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased employee's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased employee's supervisor and/or coworkers. The deceased employee's partner or close friends may not be the best selections for this assignment because the emotional connection to the employee or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased employee's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased employee's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

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(h) Coordinating with the department's Press Information Officer ([PIO]) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Press Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple employees being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting employees in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

1033.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Chief of Police or the authorized designee, liaisons, coordinators and other resources to make CISM and counseling services available to employees and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include, but are not limited to:

(a) Identifying employees who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:

1. employees involved in the incident.
2. employees who witnessed the incident.
3. employees who worked closely with the deceased employee but were not involved in the incident.

(b) Ensuring that employees who were involved in or witnessed the incident are relieved of department responsibilities until they can receive CISM support as appropriate and possible.

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(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to employees as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.

(e) Following up with employees and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

1033.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including, but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

1033.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

(a) Traffic control during the deceased employee's funeral.

(b) Area coverage so that as many San Fernando Police Department employees can attend funeral services as possible.

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The mutual aid coordinator should perform his/her duties in accordance with the Mutual Aid and Outside Agency Assistance Policy.

1033.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Education benefits (Education Code § 68120)
2. Health benefits (Labor Code § 4856)
3. Worker's compensation death benefit (Labor Code § 4702)

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

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1033.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased employee's survivors.

(d) Providing accounting and cost information as needed.

1033.7 PRESS INFORMATION OFFICER

In the event of a line-of-duty death, the department's [PIO] or PIO designee of the Chief of Police should be the department's contact point for the media. As such, the [PIO] should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Ensure that department employees are instructed to direct any media inquiries to the [PIO].

(c) Prepare necessary press releases.

1. Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Ensure that important public information is disseminated, such as information on how the public can show support for the Department and deceased employee's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the employee's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

(g) Release information regarding memorial services and funeral arrangements to department employees, other agencies and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

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The identity of deceased employees should be withheld until the employee's survivors have been notified. If the media has obtained identifying information for the deceased employee prior to survivor notification, the [PIO] should request that the media withhold the information from release until proper notification can be made to survivors. The [PIO] should ensure that media are notified when survivor notifications have been made.

1033.8 DEPARTMENT CHAPLAIN

The Department chaplain or a selected member of the clergy may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department employees with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

1033.9 INVESTIGATION OF THE INCIDENT

The Chief of Police shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

1033.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

1033.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of an employee not occurring in the line of duty.

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Attachments

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4-202 DNA Samples.pdf

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DNA SAMPLES

4-202.01 PURPOSE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and the State of California DNA Data Bank Program. (Penal Code Section 295, et seq.).

4-202.02 PERSONS SUBJECT TO DNA COLLECTION

While to courts may order DNA samples taken in a variety of circumstances under the Act, members of this Department are only authorized to obtain DNA samples from the following individuals absent other lawful means (e.g. consent or a search warrant).

Only those qualifying individuals whose DNA sample is not currently on file with DOJ may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection "flag" on the individual's criminal history record or during regular business hours, by calling DOJ at (510) 620-3300 and pressing "1-1" in the automated system. (Penal Code Section 298(b)(5)).

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so. (Penal Code Section 298.1(a)).

4-202.03 ARRESTEES

Immediately following arrest, or during the booking process, or as soon as administratively practicable after arrest (but in any case prior to release on bail or other physical release from custody), any adult arrested or charged with any of the following felony offenses are required to provide DNA samples. (Penal Code Section 296.1(a)(1)(A)):

(a) Any felony offense or attempt to commit any felony offense specified in Penal Code Section 290 or felony offense which requires registration under 290. (Penal Code Section 296(a)(2)(A)).

(b) Murder, voluntary manslaughter or the attempt to commit either offense. (Penal Code Section 296(a)(2)(B)).

4-202.04 SEX AND ARSON REGISTRANTS

Any adult or juvenile who is required to register as a sex offender under Penal Code Section 290 or arsonist under Penal Code Section 457.1, including those whose registration resulted from a qualifying misdemenaor crime is required to submit a DNA sample. (Penal Code Section 296(A)(3)).

At the time that any such registrant registers, updates registration, or is notified by DOJ or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided. (Penal Code Section 296.2(c)).

4-202.05 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under the Act, the arresting officer or other employee designated by a supervisor shall obtain DNA samples in accordance with this policy.

4-202.06 BLOOD SAMPLES

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the DOJ DNA lab shall be placed in DOJ blood vials. (Penal Code Section 298(a) and (b)(2)). A right thumbprint shall be placed on the collector along with other required identifying information.

4-202.07 BUCCAL SWABS

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of DOJ buccal swab collectors. (Penal Code Section 298(a) and (b)(3)). A right thumbprint shall be placed on the collector along with other required identifying information.

(Note: If an individual violently resists or presents other officer safety issues,

employees may omit buccal swab samples upon approval of a supervisor.)

4-202.08 FULL PALM PRINTS

Full palm print impressions shall be obtained on DOJ prescribed forms along with all DNA samples. (Penal Code Section 298(b)(4)).

4-202.09 USE OF FORCE TO OBTAIN SAMPLES

In accordance with an agreement with the Los Angeles County Sheriff's Department, arrestees who refuse to provide a DNA sample will be transferred to the Los Angeles Conty Sheriff's Department custody for a forced sample. Members of this Department are not authorized to use force to collect a DNA sample from anyone who refused to voluntarilyu provide any such sample. The Los Angeles County Sheriff's Department procedures comply with Penal Code Section 296 guidelines.

4-202.10 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promtly forwarded to the DNA Lab using DOJ mailing tubes, labels and instructions for prompt analysis. (Penal Code Section 298(a) and (b)(1)).

4-202.11 NOTICE OF A REJECTED SAMPLE

In the event DOJ notifis the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to DOJ. (Penal Code Section 296.2(a)).

4-202.12 FOLLOW-UP NOTICE TO DOJ

Within two years of submitting any DNA specimen, sample or impression to DOJ, this Department shall notify DOj whether the individual remains a suspect in a criminal investigation. (Penal Code Section 297(b)(2)). It shall be the responsibility of DOJ to thereafter purge samples of individual9s) who are no longer a suspect in any criminal investigation from the DNA database.

4-202.13 RELATED STATUTES

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity. (Penal Code Section 298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes. (Penal Code Section 299.5(i)(1)(A)).

4-202.14 LITIGATION

The Chief of Police, or authorized designee, shall immediately notify the Department of Justice's DNA Legal Unit at (415) 703-5892 in the event this Department is named in a lawsuit involving the DNA data bank sample collection, sample use, or any aspect of the state's DNA Data Bank Program.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-205 Security and Control.pdf

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4-205
SECURITY AND CONTROL

4.205.01 USE OF FORCE

All officers and custody personnel should be guided by the Department's "Use of Force" policy, Section 3-400, in matters related to the use of force in the Detention Facility.

4.205.02 USE OF RESTRAINTS

It is the policy of the San Fernando Police Department that restraint devices shall not be used on any inmate housed within the detention facility. Any inmates who display behavior which results in the destruction of property or reveals an intent to cause physical harm to self or others shall be segregated in a single cell as far away from other inmates as practical until transported to a Los Angeles County Jail facility.

4.205.03 STORAGE, ISSUE, AND USE OF WEAPONS, AMMUNITION

A. Weapons and Ammunition

No weapons including, but not limited to, duty firearms, back-up firearms and field duty knives shall be allowed and/or stored in the detention facility except in an emergency. All weapons should be properly secured in the gun lockers located within the Main Detention Facility entrance/exit and Sally Port entrance/exit. With exception of the ammunition and chemical agents carried by officers on their Sam Brown belts, no ammunition or chemical agents shall be allowed and/or stored in the detention facility.

B. Security Devices

Security devices including shackles and leg restraints used to transport inmates shall be properly secured in a locked property box.

4.205.04 PHYSICAL SECURITY

A. Physical Count of Inmates

A physical count of all inmates shall be conducted by Watch Commanders and Jailers as part of their routine facility inspections at the start of each shift and by Jailers as part of their routine safety check of the detention facility. The actual number of inmates shall be indicated on the Detention Facility Log which shall equal the total number of inmate booking cards maintained within Communications plus any inmate undergoing booking. In case of any discrepancies, the Watch Commander shall be notified immediately.

B. Searches of Inmates and Facility

The Watch Commander may authorize a search of any inmate housed in the detention facility and the detention facility including individual cells to control contraband and ensure for the safe operation of the facility and safety of persons and property. These searches shall not be used as a means of discipline.

C. Key Control

Detention Facility and cell keys are kept in lock boxes located in the inner sally port and property room as well as Police Communications Area. The Jail supervisor shall ensure that these keys are in working order as part of the Monthly Fire Prevention Inspection. Watch Commanders and Jailers shall ensure that these keys are in place during their Routine Facility Inspection at the start of each shift.

D. Unauthorized Persons

No unauthorized persons including those on "Ride-a-Longs" with officers, station visitors, and others shall be allowed in the detention facility. Outside contractors, other than the private janitorial service contracted to clean the police facility, shall not be allowed access to the detention facility unless accompanied by an employee. Station tours shall not be allowed in the detention facility unless there are no inmates housed there at the time.

4.205.05 ESCAPE, DISTURBANCES, AND TAKING OF HOSTAGES

The primary concern of all officers and custody personnel should be to eliminate the opportunity for these incidents to occur. This is best accomplished by strict compliance with polices and procedures related to the Detention Facility.

A. Escapes

1. Search Procedures

In the event of an escape, the Watch Commander shall cause an immediate search of the entire Police Facility, surrounding grounds and local area to be conducted.

2. Be on the Lookout Notifications/Teletypes

The Watch Commander shall ensure that Watch Commanders of the Los Angeles Police Department Foothill Division, California Highway Patrol Newhall Station, and any other local law enforcement agency deemed necessary are notified by telephone of the escape. This notification shall be made as soon as practical, but in any event no longer than four hours after the escape is first discovered.

The Watch Commander shall also ensure that a "BOLO" Teletype regarding the escape is transmitted through the California Law

Enforcement Terminal System within four hours of discovery of an escape.

3. Follow-up Investigation

The Patrol Division Commander shall be notified of the escape as soon as practical. The Patrol Division Commander and Watch Commander should determine what additional steps should be taken regarding the escapee including notification of Detective Personnel for follow-up investigation, notification of media, etc.

B. Disturbances

Any inmate creating a disturbance shall be segregated from all other inmates and arrangements made for transportation to a Los Angeles County Jail facility.

C. Taking of Hostages

Criminals who use hostages to escape pose a continuing threat to their hostage and to the public at large. Assurance from a suspect that a hostage will be released unharmed is meaningless. The Department does not have the ability to protect the safety of a hostage who is allowed to be removed from the presence of officers. The safety of hostages can be best assured by keeping them in the presence of officers and by preventing their removal by the suspect. Officers should use every verbal and tactical tool at their disposal to secure the arrest of the suspect without harming the hostage.

California Penal Code Section **835a (Reasonable force to effect arrest; Resistance)** provides that: Any peace officer who 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 or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by

the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

The Department's Use of Force Policy, which includes Penal Code Section 835a, should be the primary guide to dealing with a hostage situation. All efforts should be made to isolate an inmate(s) who takes a hostage(s). Watch Commanders are provided wide authority to request or deploy resources or personnel necessary to bring a hostage situation to a safe conclusion. The Department's "Barricaded Suspect" Policy, Section 3-411, provides tactical plans that would be useful in a hostage situation.

D. Civil Disturbances

Watch Commanders are provided wide authority to request or deploy any resources or personnel necessary to bring a civil disturbance to a safe conclusion in order to protect persons and property.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

Child abuse guidelines.pdf

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CHILD ABUSE GUIDELINES

BACKGROUND:

The intent of the Child Abuse and Neglect Reporting Act is to protect children from abuse and neglect and to ensure that law enforcement and county welfare agencies (Department of Children and Family Services-DCFS) cross-report, investigate, and protect children from abuse and neglect. The Child Abuse and Neglect Reporting Act sets forth specific requirements for the reporting of child abuse incidents as well as cross-reporting requirements for law enforcement and DCFS.

The new E-SCAR's system will automatically transit a DCFS cross-report to the CAD system at each station as a call for service. This system will ensure a timely response and investigation to a child abuse call.

DEFINITIONS:

Child- A person under the age of 18 years.

Child Abuse or Neglect- Includes physical injury inflicted by other than accidental means upon a child, sexual abuse of a child, willful harming or injuring of a child, endangering of the person or health of a child, and unlawful corporal punishment or injury of a child (11165.6 PC).

MANDATED REPORTERS:

Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

POLICY AND PROCEDURES:

The identity of all persons who report child abuse or neglect is **CONFIDENTIAL.** Department personnel shall not release the name of the person who reported the alleged abuse or neglect to any person, including the child or the child's parent/guardians. Release of this information to DCFS, other law enforcement agencies, district attorney, or others as listed in PC 11167 (d) is permitted.

Law enforcement agencies shall immediately, or as soon as practicably possible, cross report by telephone to DCFS any suspected child abuse or neglect (11166(I) PC / 11166 (j) PC.

WATCH COMMANDERS RESPONSIBILITIES:

When a SCAR is received the dispatcher shall process a call for services. If the SCAR clearly fails to establish a basis for investigation, the watch commander may determine that no call for service shall be dispatched. The watch commander shall direct the dispatcher to clear the call for service in the CAD system with all appropriate information. All other SCAR's shall be dispatched as a call for service.

When determining whether to dispatch a child abuse or neglect call as a routine or emergent, the watch commander shall take into consideration the degree of urgency of the SCAR or call for service, the time of day, and the age of the child.

RESPONDING OFFICERS RESPONSIBILITIES:

The responding officer shall **THOROUGHLY** investigate the alleged abuse or neglect.

When interviewing a child at school, officers must advise the child that they have the right to have a school staff member (adult) with them while being interviewed. For further information refer to 11174.3 PC.

Once the **POLICE** have initiated a **CRIMINAL INVESTIGATION** into alleged abuse **IN THE HOME**, responsible officials must provide procedural protections appropriate to the criminal context. Interviews may be conducted without parental consent if **EXIGENT CIRCUMSTANCES** are present. If incident crime occurred on school grounds or any other incidents without exigent circumstances, officers need to obtain a **PARENTAL CONSENT FOR POLICE CONTACT WITH MINOR CHILD** form.

Upon suspicion that a child has been abused or neglected, the responding officer shall complete an incident report and assure that school personnel has completed an SS 8572 form (11166 Form). The following is necessary to be on the form, whether school personnel or officers are the mandated reporters.

1. The SCAR referral number (19 digit #)
2. The names and dates of birth of all siblings and the names dates of birth of persons residing at the location (if possible).

3. If another person(s) is present during the child's interview, the name of the person(s) present.
4. The officer must attach the SCAR to the incident report and write the DR # on the upper right-hand corner of the SCAR (If it applies).
5. If the responding officer can articulate beyond a reasonable doubt that no child abuse occurred , no incident report is necessary, however, the officer shall make a log entry stating in detail their findings, including the names and dates of birth of all persons at the location.
6. If unable to contact parties involved (not home, or by phone, or missing info) officers must note it in the CAD or officers report.
7. If the call for service is generated by a mandated reporter, the responding officer shall ascertain if the mandated reporter has contacted DCFS and obtained a SCAR referral number.
8. If the mandated reported has not contacted DCFS and obtained a SCAR referral number, advice the mandated reporter to contact DCFS at the DCFS hotline (800-540-4000) to obtain a SCAR referral number.
9. If the mandated reporter is unable to immediately complete the SCAR, the responding officer must document in their incident report why the mandatory reporter did not immediately complete the SCAR and that the officer advised the mandated reporter that the SCAR must be received within thirty-six (36) hours.
10. The mandated reporter's residence address shall not be listed on the incident report. The officer shall use the mandated reporter's business address.

If the call for service is generated by another source or by observation, the responding officer shall contact DCFS Hotline 800-540-4000 as soon as possible and obtain a referral number. Include the following,

1. Date and time DCFS Hotline was notified by the officer.
2. The name of the person at DCFS the officer spoke with.
3. If the receiving DCFS Hotline worker refuses to take the information and does not issue a SCAR referral number, the name of the person the responding officer spoke with at the DCFS hotline and the reason the person refused to take the information.

WATCH COMMANDERS RESPONSIBILITIES:

When reviewing reports, the watch commander shall ensure that the reports contain the information as described above and that the SCAR is attached to the incident report or nineteen (#19) digit numbers.

The watch commander shall review the E-SCARs system which contains the SCARs at least once during their shift and ensure that all SCARs are handled in a timely and complete manner.

DCFS HOTLINE : 1-800-540-4000

LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney

SHARON J. MATSUMOTO
Assistant District Attorney

Electronic Suspected Child Abuse Reporting System (E-SCARS)

I would like to thank each one of you for attending today. The Electronic Suspected Child Abuse Reporting System (E-SCARS) was a tremendous undertaking on behalf of the Sheriff's Department, the Department of Children and Family Services and my office.

In any single agency, it is a challenge to take a new concept, develop the concept, implement the concept and have that concept embraced. Imagine doing that with 50 agencies. However, this is exactly what we were able to do with E-SCARS. In the early 2000s, my office authored a grant application and introduced the E-SCARS concept. In 2005, the Los Angeles County Quality and Productivity Commission jointly awarded the DA, LASD and DCFS a $2 million grant to develop E-SCARS. A steering committee developed the technical requirements over a two-year period. After another year of programming by DCFS staff and then a lengthy LASD pilot, E-SCARS launched in April 2009. Over the next 5 months, your agencies were invited to introductory and training meetings. In September and October 2009, E-SCARS was finally implemented countywide. Since then, each of your departments has embraced this program.

I thank you for your support. There have been over 27,000 reports of child abuse entered into E-SCARS. That means crimes committed in private come to light and first responders can provide much needed services. None of this would have happened without you.

Last year, the Los Angeles Times reported a number of instances of child abuse that resulted in fatalities. On April 21, 2009, the Times cited Supervisor Michael Antonovich as calling "for an investigation of 14 child deaths, as well as enhanced accountability measures and information sharing across county agencies." On June 14, 2009, the Times ended another article about the handling of child abuse cases asking, "Who let these children fall through the cracks?" E-SCARS was designed to help "fill those cracks." It is an information sharing system with built in accountability measures.

We are the current leaders. While we can, let's be the ones who make the difference.

By using E-SCARS and cross-reporting every possible instance of child abuse, severe neglect or endangerment and responding to every allegation brought to our attention – we can make a difference! The most vulnerable victims in our community, the children, are better protected and abusers will be held more accountable because of E-SCARS.

Why is E-SCARS important to all of us?

- For the first time ever, police officers responding to child abuse allegations have a detailed history of alleged participants and prior incidents of abuse. Not only is this a significant tool in investigating the possible current criminal activity but also is an invaluable asset for officer safety. Officers have an idea of what they will encounter before they knock on the door. In June 2010, every law enforcement agency and prosecutor will have access to DCFS records from 1999 to present.

- E-SCARS can provide users with information for any given time period (daily, weekly or monthly) allowing better and more accurate assessment of workloads. This will help with resource allocation and departmental planning (e.g., the number SCARs spike after 3 pm when schools let out and teachers make their SCAR reports).

18-217 Clara Shortridge Foltz Criminal Justice Center
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Los Angeles, CA 90012
(213) 974-3958

- The ability to eliminate or substantially reduce potential claims of liability against a department cannot be overemphasized. If every SCAR received is treated as a call for service – which LASD has done since 2003 – the possibility of litigation for failing to respond and investigate becomes negligible.

- E-SCARS has already and will continue to increase and facilitate communication between law enforcement and social workers, between law enforcement and prosecutors and between social workers and prosecutors. Based on feedback to date, the steering committee has already implemented changes for handling calls involving emotional abuse. Without this increased communication and feedback these changes would not likely have taken place.

- E-SCARS allows users – all 2500 and growing – immediate access to crime report numbers; social worker's contact information; prosecutor's names and court case numbers.

- E-SCARS enhances prosecution by providing investigators and prosecutors detailed information concerning prior allegations. Information – which often is not on a rap sheet – can be the basis for evidence to be presented in court under Evidence Code sections 1101, 1108 and 1109 to show a pattern of abusive acts or behavior.

- And all of this was provided to every agency free of charge thanks to the Los Angeles County Quality and Productivity Commission.

We are participating in an information sharing exchange of potential child abuse allegations that is the first of its kind in the nation. We are unaware of any similar use of technology and procedures to connect this many independent agencies in a single, focused effort to protect children.

I believe every SCAR should be treated as a call for service. It is irrelevant that a call comes in via 911 or through an E-SCAR. The failure to investigate or the failure to send a patrol car can lead to fatal consequences. Law enforcement is charged with independently investigating these allegations. Relying on another agency's evaluations or conclusions can lead to tragic consequences.

In addition, E-SCARS must include all allegations of child endangerment not just child physical and sexual abuse. Recently we had a filing deputy ask a police officer about the SCAR in a driving under the influence case. The suspect was under the influence of alcohol, had a crack pipe in his pocket and a three-year-old sitting in the front seat of the car – unbuckled. The officer, who worked traffic, indicated he had never heard of E-SCARS and did not realize his legally mandated obligation to cross-report the child endangerment allegations. There was no SCAR. These situations are equally dangerous to children and must be cross-reported and documented. In the event another incident occurs in the future, we will have a complete history on the suspect and victim in our system.

E-SCARS is not perfect. There is always room for improvement. Based upon user comments several enhancements have already been made and others will be made.

A new version of the program is being released next week and another version will be released in June. We understand that not all agencies handle SCARs in the same manner and the goal is to make this system the most user-friendly and helpful as possible for your officers.

To this end, the Steering Committee will begin hosting quarterly working group meetings. The first meeting has been scheduled for March 16th at Star Center in Whittier. An invitation to all E-SCARS users will be sent out shortly. At these meetings, we want to hear how you and your personnel think the system can be improved. We look forward to continuing the partnership we have developed with you.

Steve Cooley

STEVE COOLEY
District Attorney

E-SCAR PROCEDURES FOR LAW ENFORCEMENT AGENCIES (LEAs)

The Electronic Suspected Child Abuse Report System (E-SCAR) is a SCAR's cross reporting system and a SCAR auditing system.

Definitions:

E-SCARS – A web based electronic suspected child abuse program which is a shared program among the Department of Children and Family Services (DCFS), the District Attorney's Office, and all Los Angeles County law enforcement agencies (LEA).

SCAR – A Suspected Child Abuse Report.

Associated SCARs – A SCAR that has the same victim's name, suspect's name and/or victim's address.

Courtesy Reports – When during a child abuse/neglect investigation it is determined that the crime did not occur in the investigating LEA's jurisdiction, the LEA should continue the investigation to the point of determining whether a crime occurred. If a crime is suspected, the LEA shall write a courtesy report. Pursuant to Penal Code §11165.9 reports of suspected child abuse or neglect made to any police department or sheriff's department and shall be investigated "even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case,. . ."

Re-Routed SCARs - A re-routed SCAR is based on the information written on the SCAR itself, not what is found out after investigating the SCAR. A SCAR should only be re-routed back to DCFS by the user immediately after opening the SCAR and determining that the location of incident is not in the agency's area or the SCAR does not have enough information to handle the SCAR. Examples of this are:

> Pasadena PD receives a SCAR, but the address written on the SCAR for the location of incident is in LAPD's area. The user should immediately re-route the SCAR back to DCFS.
>
> Long Beach PD receives a SCAR and the address written on the SCAR for the location of incident is the child's home address which is in Long Beach PD's area. After the patrol officer interviews the child, it is determined that the incident occurred in Whittier PD's area. The patrol officer should write a courtesy report. This is NOT re-routed back to DCFS.
>
> LASD receives a SCAR with the location of incident as unknown. The policy of DCFS is to default the SCAR to the law enforcement agency where the location

of the child is known. After the patrol officer interviews the child and it is determined that the incident occurred in LAPD's area, the patrol officer should write a courtesy report. This is NOT re-routed back to DCFS.

Torrance PD receives a SCAR with no addresses, no phone numbers, no child information or adult information, and/or no reporting party information. There are no addresses to check, no phone numbers to call, no names to run and/or no reporting party to contact therefore this SCAR shall be immediately re-routed back to DCFS.

Crime Suspected - For the purpose of the E-SCAR system, any crime report written in association with the SCAR shall be recorded as a "Crime Suspected." Examples are:

A child abuse crime report.

After investigating a SCAR and no child abuse is found but a crime report is written for some other type of crime, the report number shall be entered into the E-SCAR system and the status changed to "Crime Suspected."

No Crime Suspected - After investigating the SCAR, an officer determines that no crime occurred whether or not a report was written.

No Investigation - An officer determines that the SCAR has no elements of a crime indicated in the SCAR. An example of these would be general neglect and SCARs which refer to domestic violence wherein the child is not a victim, witness, et cetera. Note – a comment (reason) must be entered when selecting the "No Investigation" status.

Forwarding SCARs - A forwarded SCAR is a SCAR that is sent to an agency and after investigating/interviewing the child/parent/witness, it is determined that the incident did not occur in the receiving agency's jurisdiction. If the responding officer believes a crime has occurred, the responding officer shall write a courtesy report. The SCAR in the E-SCAR system should be forwarded to the station/agency with jurisdiction of the investigation. To forward a SCAR to another station/agency, approval from the other station/agency must be obtained. The premise for forwarding a SCAR in the E-SCAR system is to move the SCAR in the E-SCAR system from the receiving station/agency to the station/agency that has actual jurisdiction of the investigation. This will allow the investigating station/agency to update the E-SCAR system. It will also give correct statistical information.

Sensitive SCARS - These SCARs contain some type of information that is sensitive to the case (suspect is law enforcement, DCFS, or high profile person). Only agency staff with specific Admin Sensitive access may view these SCARs.

Law Enforcement Agency Generated (LEA) SCARs - These SCARs are SCARs that are called into DCFS by the handling station/agency personnel. LEA Generated SCARS are not transmitted back to the reporting agency, but are entered into E-SCARS

Web Based E-SCAR System Procedures:

Log on to the internet at: http://159.83.110.89/ESCARS

Use your assigned log on as the "User Name" and your password for the "Password". Click on the "Login" button. Upon your initial log on, you will be prompted to change the "Password" you were e-mailed by the system. The "Password" must be 4 to 16 characters and is case sensitive. If you incorrectly log on three times, the E-SCAR system will lock you out. Contact your agency's System Administrator to regain access to the system.

Users will be concerned with the status categories of "Unopened", "Pending", "LEA Generated", Crime Suspected", "No Crime Suspected," and "No Investigation" folders.

Status "Unopened" are new SCARS that are transmitted to your agency by DCFS and have not been updated. Status "Pending" are SCARS that are being investigated by your agency and marked so by the user. "LEA Generated" are SCARs that are called into DCFS by the handling station/agency personnel and the SCAR status has to be updated to "Crime Suspected" or "No Crime Suspected".

To view a folder's lists of SCARs, click on the underlined number adjacent to the word "Unopened", "Pending", "LEA Generated", "Crime Suspected", "No Crime Suspected," or "No Investigation".

To view the SCAR information, click on the 19 digit DCFS referral number in blue. The SCAR "Referral Detail Screen" will appear.

To view an actual SCAR and to print the SCAR, click on the blue words "SCAR Image". The SCAR will appear in PDF format. Use the side scroll bar on the right-hand side of the SCAR document to review the SCAR. To print, click "File" on the upper left-hand corner, click on "Print" in the drop down menu; follow the directions for your printer. To remove the image screen, click on the red "X" in the upper right-hand corner.

Associated SCARs:

The E-SCARS system automatically searches other SCARs for the same victim, address or suspect. These SCARs are known as "Associated SCARs". Several SCARs can be generated for the same incident for siblings, step-children, etc. If an "Associated SCARS" is found by the system, a flag will appear on the "Referral Details Screen" in green.

To look at the list of possible "Associated SCARs," click on the "Associated SCAR(s)" blue button. To narrow down the list of SCARs, three tabs will appear (Victim's Name, Suspect's Name, and Victim's Address). Click on one of these tabs. If one tab has no SCARs listed, try another tab. A list of SCARs will appear under each tab if there are "Associated SCARs". Click on the 19 digit SCAR referral number in blue to review the "Associated SCARs". Note that if a common name such a "John Smith" is used, there may be numerous "Associated SCARs," but none of them may be related.

Re-routed SCARs:

There are three steps to re-route a SCAR. On the "Referral Details Screen", "Updates" tab under the "LEA Action" section, complete the following:

1. Click on the arrow next to the "Reason" box. A drop down menu will appear. Click on the choice which is most appropriate for the reason the SCAR is being returned.

2. In the "Comment" box type the reason the SCAR is being returned. Example:

   Location of incident is LAPD's area

   No narrative

   Insufficient information to determine a victim's name, address, phone number (example - child doe attends Hale Elementary School – No victim name, address, etc.)

3. Click the "Re-Route" button.

The re-routed SCAR will be marked as re-routed and DCFS will automatically be notified to take necessary action. Once DCFS corrects the SCAR, it is automatically removed and re-routed by the system. A SCAR can only be re-routed back to DCFS **one** time by a station/agency. Any subsequent receiving stations/agencies will not be able to re-route the SCAR back to DCFS.

Changing Status of a SCAR:

"Unopened" to "Pending" - On the "Referral Detail Screen," complete the following:

1. Click on the "Updates" tab.

2. In the "LEA Action" box, click the drop down menu arrow of the "Status" box and click on "Pending."

3. If the user chooses, the user may add a comment in the "Comment" box.

4. Click the "Save" button.

"Pending" or "LEA Generated" to "Crime Suspected", "No Crime Suspected" or "No Investigation" – On the "Referral Detail Screen", complete the following:

1. Click on the "Updates" tab.

2. In the "LEA Action" box, place the report number/tag/etc. in the "LEA Report No." box if a report number is issue.

3. Click the drop down menu arrow in the "Status" box and click on the appropriate "Status" of the SCAR "No Crime Suspected", "Crime Suspected" or "No investigation,"

4. If the user chooses, the user may add a comment in the "Comment" box. Note – on all "No Investigation" statuses, a comment in the "Comment" box is required.

5. Click the "Save" button.

Law Enforcement Agency (LEA) Generated SCARs:

An LEA generated SCAR will appear in the "LEA Generated" folder on the right side of the home page. The user shall clear these SCARs by changing the "Status" of the SCAR.

Forwarded SCARs:

To forward a SCAR, the officer must first call the station/agency the SCAR will be forwarded to and obtain their approval. After obtaining the approval, the user shall input the following fields in the E-SCAR system "Referral Details Screen," "Updates" tab, "LEA Action" section:

Department – This is the department forwarding SCAR to – Required Field

Station/Division – This is the station/division of the department forwarding SCAR to – Required Field

Contact Name – Name of the person who approved forwarding the SCAR to their station/division – Required Field

Contact Phone – Phone number of the person who approved forwarding the SCAR to their station/division – Required Field

Report Taken – Check the box if a crime report was written by the forwarding station/division

Notes - Available for any notes

SCARs can only be forwarded **once** by any station/division. Any subsequent receiving stations/agencies will not be able to forward the SCAR to another agency.

General Information:

To exit the "Referral Details Screen," click on the "Home" button on the left-side of the screen:

To log off the E-SCARS system, click on the "Log-Out" button at the top right-side on any page.

The E-SCARS system will automatically log out a user after 30 minutes of non-use.

Updated 11/08/11

Hate_Crimes.pdf

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POST HATE CRIMES MODEL POLICY

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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POLICY GUIDELINES

GUIDELINE #1

Develop the foundation for the agency's hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2

Develop a hate crimes policy for the agency.

I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
   A. Response
   B. Training
   C. Planning and Prevention
   D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

GUIDELINE #3

Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4

Develop and implement cooperative hate crimes plans with other law enforcement agencies.

I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.

II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5

Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
   - Develop a network to build rapport with community groups

- Develop a protocol for response to hate crimes
- Obtain witness and victim cooperation
- Provide support services to victims
- Collect demographic information about specific communities
- Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
- Identify periods of increased vulnerability based on significant dates and events for affected communities

II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6

Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.

The assessment should include:

I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.

II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.

III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.

IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
    a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
    b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
    c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
    d. Providing victim assistance and follow-up, including community follow-up.
    e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
    a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
        i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).

c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.

d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency's hate crimes brochure, as required by Section 422.92.

e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.

g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

2. Stabilize the victim(s) and request medical attention when necessary.
3. Ensure the safety of victims, witnesses, and perpetrators.
    a. Issue a Temporary Restraining Order (if applicable).
4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
6. Collect and photograph physical evidence or indicators of hate crimes such as:
    a. Hate literature.
    b. Spray paint cans.
    c. Threatening letters.
    d. Symbols used by hate groups.
7. Identify criminal evidence on the victim.
8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    a. Identity of suspected perpetrator(s).
    b. Identity of witnesses, including those no longer at the scene.
    c. The offer of victim confidentiality per Government Code (GC) 5264.
    d. Prior occurrences, in this area or with this victim.
    e. Statements made by suspects; exact wording is critical.
    f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"[1] in the commission of the crime.
        1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

            (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

[1]See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency's Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

Investigation

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

5. Collect and photograph physical evidence or indicators of hate crimes such as:
   a. Hate literature.
   b. Spray paint cans.
   c. Threatening letters.
   d. Symbols used by hate groups.
   e. Desecration of religious symbols, objects, or buildings.
6. Request the assistance of translators or interpreters when needed to establish effective communication.
7. Conduct a preliminary investigation and record information regarding:
   a. Identity of suspected perpetrator(s).
   b. Identity of witnesses, including those no longer at the scene.
   c. Offer of victim confidentiality per GC 5264.
   d. Prior occurrences, in this area or with this victim.
   e. Statements made by suspects; exact wording is critical.
   f. Document the victim's protected characteristics.
7. Provide victim assistance and follow-up.
8. Canvass the area for additional witnesses.
9. Examine suspect's social media activity for potential evidence of bias motivation.
10. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
11. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
12. Determine if the incident should be classified as a hate crime.
13. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
   a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
   b. Provide ongoing information to the victim about the status of the criminal investigation.
   c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

Supervision

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
    a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
    b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
    c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at *www.post.ca.gov*. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.[2]
7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

[2]As described in CPC 13519.6(b)(8)

1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

Checklist for the agency's policy creation

- ☐ Message from the law enforcement's agency's chief executive is included
- ☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
- ☐ Definition of "hate crime" included from:
  - ☐ CPC 422.55
  - ☐ CPC 422.56
  - ☐ CPC 422.6
- ☐ Title by title specific protocol regarding:
  - ☐ Prevention
    - ☐ Is contact is established with identified persons and/or communities who are likely targets?
    - ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
    - ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
  - ☐ Response
    - ☐ Requirement that all hate crimes be properly investigated and supervised
    - ☐ Requirement that any hate crimes committed under the color of authority are investigated
  - ☐ Accessing Assistance
    - ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
  - ☐ Victim assistance and follow-up
  - ☐ Reporting
    - ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
  - ☐ Training
    - ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
      - ☐ Does the checklist include first responder responsibilities include:
        - ☐ Determining the need for additional resources if necessary?
        - ☐ Referral information for appropriate community and legal services?
        - ☐ The requirement to provide the agency's hate crimes brochure per CPC 422.92?
      - ☐ Information regarding bias motivation from CPC 422.87
      - ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- ☐ Definitions of terms used in the policy are listed
- ☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  - ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- ☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- ☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

APPENDIX

Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime

"Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(1) Disability.

(2) Gender.

(3) Nationality.

(4) Race or ethnicity.

(5) Religion.

(6) Sexual orientation.

(7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) "Hate crime" includes, but is not limited to, a violation of Section 422.6.

"Association with a person or group with these actual or perceived characteristics" Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

Bias Motivation

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

Disability Bias

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

Disability

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Gender

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

In Whole or In Part

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

Nationality

Nationality includes citizenship, country of origin, and national origin.

Race or Ethnicity

Race or ethnicity includes ancestry, color, and ethnic background.

Religion

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
(e.g., 9/11, holy days)
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	☐ Yes	☐ No
Has suspect ever harmed you?	☐ Yes	☐ No
Does suspect possess or have access to a firearm?	☐ Yes	☐ No
Are you afraid for your safety?	☐ Yes	☐ No
Do you have any other information that may be helpful?	☐ Yes	☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Sample Memo for the Agency Chief Executive

This sample memo may be used by the Agency Chief Executive to agency personnel. It stresses the importance of hate crime prevention, investigation, documentation, and the rapid apprehension of perpetrators. You may use this sample memo as a guide to create internal communication appropriate for your agency.

Message from the Agency Chief Executive

DATE: CURRENT DATE
TO: ALL PERSONNEL
FROM: AGENCY CHIEF EXECUTIVE
RE: IMPLEMENTATION OF HATE CRIMES POLICY

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

Crimes motivated by hate are not simply assaults, property damage, or violations of civil rights. They are crimes that specifically target individuals with particular characteristics. As such, they provide fuel to the prejudices and fears that underlie these crimes, thus continuing the cycle of hatred, prejudice, and bias. The broad impact of hate crimes makes them a major concern for all law enforcement agencies. It is essential that this agency address hate crimes in a manner that most effectively accomplishes prevention and rapid apprehension of perpetrators.

4-809 Non Secure Custody of minors.pdf

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4-809
NON-SECURE CUSTODY

4.809.01 CRITERIA FOR NON-SECURE CUSTODY

Minors held in temporary custody, who do not meet the criteria for secure detention as specified in Section 207.1(d) of the Welfare and Institutions Code, may be held in non-secure custody if a brief period of time is needed to investigate the case, facilitate release of the minor to a parent or guardian, or arrange for transfer of the minor to an appropriate juvenile facility. The minor may remain handcuffed during the time detained within the police facility.

4.809.02 SUPERVISION OF MINORS IN NON-SECURE CUSTODY

Minors held in non-secure custody shall receive constant personal visual supervision by staff. Monitoring a minor using audio, video, or other electronic devices shall never replace personal visual supervision. The arresting officer shall remain responsible for the supervision of the minor unless properly relieved of this responsibility by the jailer or Watch Commander. Entry and release times for minors held in non-secure custody must be documented in the appropriate juvenile detention log.

4.809.03 DEATH AND SERIOUS INJURY OF A MINOR WHILE DETAINED

In any case in which a minor dies while detained in the San Fernando Police Facility:

The Chief of Police shall provide to the Board of Corrections a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Board within 10 calendar days after

the death.

Upon receipt of a report of death of a minor from the Chief of Police, the Board may within 30 calendar days inspect and evaluate the detention facility pursuant to Title 15, Article 14, Section 1341 CCR. Any inquiry made by the Board shall be limited to the standards and requirements set forth in Title 15, Articles 13-15, CCR.

There shall be an operational review of any case in which a minor dies while detained in the San Fernando Police Facility. The review team should consist of the Support Services Commander, Health Administrator (Los Angeles County Health Department), responsible physician (Los Angeles County Coroner) and other health care and supervision staff who are relevant to the incident.

A. Instructions for Notification

The Watch Commander should cause notification of the Juvenile Court and the parent, guardian, or person standing in loco parentis in any case in which a minor dies, attempts suicide, has a serious illness or injury while detained in the San Fernando Police Facility. Such notification of parents, guardians, or persons standing in loco parentis should be made in person by assigned uniformed personnel when possible. In the event the minor's identity is not known or the party subject to notification resides outside the immediate vicinity of the City of San Fernando, the Watch Commander should request that notification be made by the Los Angeles County Coroner's Office or local Law Enforcement Agency having jurisdiction over where the party subject to notification resides.

ROBERT R. ORDELHEIDE

January 1, 2009
Date

Chief of Police

4-500 Inmate Clothing and Personal Hygiene.pdf

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4-500
INMATE CLOTHING AND PERSONAL HYGIENE

4.501.01 INMATE'S CARE AND CLOTHING

Inmates should retain and wear their own clothing while housed at the San Fernando Detention Facility unless the clothing is rendered unusable or must be taken for evidence or the inmate does not have appropriate clothing or for any

other reason determined by the Watch Commander.

A. Special Clothing

1. Should the need for emergency clothing arise, clothing is available in storage to issue to any inmate.

2. The inmate's personal clothing should be either booked into evidence, or booked with his/her property for later return. In either case, the inmate's clothing should be double sealed in plastic evidence bags.

B. Personal Care Items

Each inmate to be held over 24 hours shall be issued:

1. toothpaste,

2. dentifrice (toothpaste),

3. soap,

4. comb, and

5. shaving implements,

6. sanitary napkins and/or tampons as needed (female inmates only.

Inmates should be solicited daily during the "Sick Call" regarding need for the above items. Disposable toothbrush/toothpaste kits, combs shaving implements should be collected by the issuing personnel no later than 30 minutes after issue. Inmates shall not be allowed to retain these items or share them with any other inmate.

C. Showering

1. All inmates shall be permitted to shower/bathe upon assignment to a housing unit (any cell with a bunk) and at least every other day or

more often if possible.

2. Showers shall be provided subject to personnel availability, however a request to shower should be honored as soon as it is practical.

3. A Jailer shall be present when the inmate is showering or using personal care items.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-305 Medical and Mental Health Services.pdf

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4-305
MEDICAL/MENTAL HEALTH SERVICES

4.305.01 RESPONSIBILITY FOR HEALTH CARE SERVICES

The Support Services Commander has the responsibility to ensure provision of emergency and basic health care services to all inmates. Medical, dental and mental health matters involving clinical judgments are the sole provinces of the responsible physician, dentist, and psychologist or psychiatrist respectively. Treatment for physical disorders should be obtained from physicians/dentists at local medical facilities.

4.305.02 MEDICAL RECEIVING SCREENING

A. Intake

At the time of intake, as part of the classification of inmates, booking personnel shall complete an "Arrestee Medical Screening Form." The booking officer shall inquire as to the existence of specific medical conditions or special medical problems and note in writing on the Medical Questionnaire any disease, skin lesions, open wounds, pimples or pustules that could be indicative of MRSA infection, or other unusual physical condition made aware of and/or observed during the search of and/or contact with the inmate. The sceening process includes but is not limited to, medical, mental health, developmental disabilities, and communicable diseases, including Tuberculosis and other airborne diseases.

Any specific medical conditions or special medical problems shall be brought to the attention of the Watch Commander. The Classification Plan should be the guide to deal with the majority of inmate medical issues. Any inmate in need of or who requests medical, mental health, or developmental disability treatment shall be immediately transported to the appropriate Los Angeles County Jail or medical facility for examination and treatment. Nothing in these procedures shall prevent any personnel from providing or securing emergency first aid or medical care for any inmate in need of such assistance.

B. Pregnancy Determination For Women

Female inmates shall have the right to summon and receive the service of any physician and surgeon of her choice in order to determine whether she is pregnant. If the inmate is found to be pregnant, she is entitled to a determination of the extent of the medical services needed by her and the receipt of such services from the physician and surgeon of her choice. Any expenses occasioned by the services of a physician and surgeon whose services are not provided by the facility shall be borne by the

inmate. **(Ref. Penal Code Section 4023.6).**

Female inmates who request to see a physician in accordance with Penal Code Section 4023.6 or any female requesting to see a physician or surgeon in order to determine whether she is pregnant or not, shall be transferred to the appropriate Los Angeles County Jail facility.

C. Pregnant And Postpartum Care

Booking personnel shall notify the Watch Commander upon becoming aware of any pregnant inmate or inmates requiring postpartum care including lactating women.

Watch Commanders, shall make arrangements to have the female inmate transported to the appropriate Los Angeles County Jail facility or medical facility if emergency care is required.

D. Birth Control Medication

Booking personnel are required at the time of booking to inquire of all female inmates whether they are currently taking birth control medication. Birth control medication will not be given to inmates. If the response to birth control medication is affirmative, the inmate will be transported to the appropriate Los Angeles County Jail facility.

E. Female Hygiene Materials

At their request, all female inmates are to be allowed to continue use of materials for personal hygiene regarding their menstrual cycle. The Jail Supervisor shall maintain an adequate supply of feminine napkins and tampons in the detention facility at all times.

F. Prescription Medication/Transportation Required

All inmates requiring prescription medication while in our custody should be booked per normal procedures and be transported as soon as possible to the appropriate Los Angeles County Jail facility.

G. Persons Addicted To Controlled Substances

Where there is reasonable cause to believe that an inmate is addicted to controlled substances, the jailer or other person having such knowledge shall immediately call it to the attention of the Watch Commander. Persons on methadone maintenance are allowed to continue until conviction, at the direction of the licensed methadone program director. Persons on methadone will be transported to Los Angeles County Inmate Reception Center (IRC) as soon as possible even though IRC does not carry methadone for inmates.

Pursuant to Health and Safety Code Section 11222, it is the duty of the Watch Commander to provide the person so confined with medical aid, while waiting to be transported to an appropiate medical facility, to continue with treatment to ease any symptoms of withdrawal from the use of the controlled substance. Such inmates should be transported as soon as possible to the appropriate Los Angeles County Jail facility.

H. Ongoing Medical Care

All inmates requiring or receiving on-going medical attention should be referred to the Watch Commander. Such inmates should be transported as soon as possible to the appropriate Los Angeles County Jail facility.

I. Orthopedic And Prosthetic Devices

Unless posing an immediate threat to security, inmates should be allowed to retain dental and medical prosthesis and eyeglasses, if such appliance has been subscribed or recommended and fitted by a physician. If such appliance is removed, the inmate should be deprived of such appliance only during such time as the facts which constitute probable cause for its removal continue to exist; if such facts cease to exist, then the person in charge of the facility should return such appliance to the inmate. When such appliance is removed, the inmate shall be examined by a physician within 24 hours after such removal. Reference is made to Penal Code Section 2656 for further guidance in this situation, including rights of

appeal upon denial of use of such a device.

J. Vermin Control

The occasion may present itself where an officer or jailer processing an inmate, may observe what appears to be vermin infestation of the inmate. Most commonly, the observation will involve the infestation of the scalp, of the hairy parts of the body, or of the clothing, especially along the seams of inner surfaces of the clothing. The infestation may be of adult lice, larvae, or nits (eggs). Crab lice may be observed to infest the pubic area. They may also infest the eyelashes. Observations of this type, which will be most common, will be those of the head louse, the body louse, and the crab louse. It is also very possible that various forms of mites may present themselves on prisoners. Some of the more common varieties are the chicken mite, the house mouse mite, the itch mite (known as Scabies), the follicle mite, and the rat mite. Where lice are usually white in color, as are their eggs, the mite may present itself in either a red or a white color.

1. Notification of Infestation

Any employee who, while processing an inmate, makes any observation indicating the possibility of the existence of vermin infestation shall immediately notify the Watch Commander.

Upon being notified, the Watch Commander will respond to the detention facility and attempt to determine if the condition exists and if a delousing procedure should be followed.

If, upon examining the inmate, the Watch Commander determines that a delousing activity is warranted, it will be the responsibility of the booking officer to duly note on the inmates booking report the application of any delousing products.

2. Delousing Procedure

The following procedure will be followed in the event the Watch Commander determines that the condition of infestation does exist.

It is divided into two sections: The inmate and his person; and treatment of the inmate's clothing or other belongings deemed necessary to treat.

a. The Inmate and His Person.

Pediculicide Pyrinate A-200 has been obtained and is available for use in the detention facility. Instructions regarding its use exist on the container and are to be followed as directed.

The first step of this procedure is to have the inmate take a shower using Tinct of Green Soap sparingly on the affected area, following the directions of the bottle.

After the inmate has completed the shower and has dried off, he should then apply the Pyrinate A-200.

Before having the inmate apply the Pyrinate A-200, the jailer is to read aloud to the inmate the directions, warnings, and caution printed on the label. If the inmate possesses the condition mentioned on the labels "caution note", this product is not to be used.

The jailer or person in charge of the inmate at that time is to ensure that the directions read to the prisoner are followed.

No more than 1/2 of the Pyrinate bottle is to be used per application and no more than one application is to be given to any one inmate during incarceration in the San Fernando Detention Facility.

After the directions pertaining to application have been followed, the inmate is to be given jail clothing and, if possible, lodged in a single cell.

b. Treatment of the Inmate's Clothing.

The Pediculicide Kwell Spray has been obtained for this purpose and is available in the detention facility. The directions printed on the product must be followed.

In order to prevent re-infestation with lice, all clothing and bedding used by the inmate, before the observation of this condition, will be treated with Kwell Spray.

As the clothing is removed from the inmate, the inmate will place it in a plastic bag. The clothing in the bag will be tied shut and its contents will then be allowed to stand for one hour to insure proper infiltration of the Pediculicide. After this period of time, all clothing will be put in the bag and the bag will be sealed.

(NOTE: Read caution on the label).

c. Facility Areas and Equipment Contaminated by Inmate.

All areas and equipment housing touched by an inmate suffering from infestation will treated with Kwell Spray according to the directions given on the product. After such treatment, those articles and areas treated will be washed thoroughly. Watch Commander's should ensure that any contaminated areas and cells are removed from services until properly treated and cleaned.

3. Supply

It is the Jail Supervisor's responsibility to maintain a sufficient supply of Kwell Spray, Pyrinate A-200, and Tinct of Green Soap for at least two complete applications.

4.305.03 FURNISHING OF MEDICATION

A. Non-Prescription Medication

Some non-prescription (over the counter) medication may be furnished to inmates upon request; i.e., Tylenol, chewable anti-acids tablets, aspirin.

1. Procedure:

If an inmate asks for medication to relieve some type of discomfort the Jailer may advise the inmate of what is available and let the inmate make the selection. The jailer should not make any suggestion as to which medication is best for any particular ailment or discomfort. The Jailer administering such medication shall examine the inmate's wrist band to ensure accurrate identification for log purposes. The Jailer should verify that the medication has been ingested by a physical examination of the inmate's mouth. Inmates should not be allowed to retain any medications for later use. Inmates shall not be allowed to furnish medication to other inmates. Dosages will be determined by the manufacturer's instructions as printed on the medication package. A notation of the dosage and time furnished should be made upon the inmate's booking slip, together with the initials of the person who furnished the medication. No controlled substances or dangerous drugs shall be furnished or provided within the detention facility except by licensed emergency medical personnel during emergency services.

4.305.04 FIRST AID REQUIREMENTS

A. Training

All police personnel are required to be trained in an approved course of instruction in first aid and cardiopulmonary resuscitation. All custody personnel receive additional training in fire and life safety in jails.

- American National Red Cross - Standard First Aid and Personal Safety

- American National Red Cross - Cardiopulmonary Resuscitation

B. First Aid Application

Booking and/or custody personnel shall administer first aid whenever in the determination of the involved officer, such first aid is necessary before the arrival of emergency medical personnel.

The procedures below are offered as guidelines for all personnel:

1. Heart Attack - warning signs include:

   - Severe squeezing pains in the chest;
   - Pain that radiates from the chest into the left arm or neck;
   - Sweating and weakness;
   - Pain that extends across the shoulder to the back;
   - Sudden collapse.

If an inmate is experiencing any of these symptoms, immediately initiate use of the Automatic External Defibrillator (AED) and call for Fire Department Rescue Personnel. Follow standardized procedures outlined by the American National Red Cross for Cardiopulmonary Resuscitation (CPR). Continue CPR until relieved by Fire Department Rescue Personnel or unable to continue.

2. Unconsciousness:

   - Have someone else call Fire Department Rescue Personnel and give details.
   - Listen for breath sounds - watch the chest and stomach for movement.

- If slight or no breathing, immediately begin rescue mouth-to-mouth breathing.
- Institute CPR until relieved by Fire Department Rescue Personnel or unable to continue.

3. Orthopedics (Broken Bones, Back Injury):

   - Do not move inmate unless required to move to a safer location.
   - Call for Fire Department Rescue Personnel.
   - If bleeding, apply slight pressure on site until medical assistance arrives.

4. Bleeding:

   - Apply direct pressure to site (using a clean towel or cloth), and have someone call for Fire Department Rescue Personnel.
   - If necessary, apply pressure to pressure points. Apply tourniquet only where direct pressure is not effective, and only if a life and death situation exists.

5. Seizures (Severe, Violent Shaking) :

   - Have someone call for Fire Department Rescue Personnel.
   - Do not try to restrain a person having a seizure.
   - Move person only if necessary for safety.
   - Allow seizure to progress uninhibited. Do not place anything in person's mouth.

6. Acute Abdominal Distress (Severe Pain, Cramps):

- Make person as comfortable as possible.
- Do not give anything by mouth.
- Immediately call for Fire Department Rescue Personnel.

7. Asthma (Severe Wheezing):

If an inmate is wheezing and/or states he is in asthmatic and breathing is difficult and rapid:

- Reassure him/her that medical assistance is nearby.
- Call for Fire Department Rescue Personnel, or take to nearest emergency hospital.

8. Choking:

- Use Abdominal Thrust Method (pressure to lower sternum from behind).
- If above not effective, repeat procedure again.

C. Summoning Medical Aid

Access to the Los Angeles Fire Department is available on the 911 line. Additionally, the below emergency numbers are provided.

- Holy Cross Hospital - (818) 365-8051
- Olive View Hospital - (818) 364-4334

4.305.05 SICK CALL

A. Sick Call

Watch Commanders should ensure sick calls are solicited daily. This should be performed at both the breakfast and dinner meal. At Sick Call, some non-prescription over-the-counter medication may be furnished for common complaints at the request of inmates, specifically, aspirin, antacids, or non-aspirin medication. Personnel administering such medication shall examine the inmate's wrist band to ensure accurrate identification for log purposes. Inmates making continued complaints of headaches, coughs, etc., shall be transported to a medical facility for examination

B. Reports of Illness or Injury

The jailer shall immediately advise the Watch Commander of any inmate reporting an illness or injury. The Watch Commander shall supervise administration of first aid procedures and arrange for transport of the individual to the appropriate medical facility.

4.305.06 MEDICAL EXAMINATION ROOM

The San Fernando Police Detention Facility maintains no medical examination room facilities. All cases requiring medical examination are to be transported to the appropriate Los Angeles County Jail or medical facility for examination and treatment.

4.305.07 POSTING OF MEDICAL ORDERS

All custodial personnel are required to be familiar with any written standing medical orders posted in the detention facility.

4.305.08 INMATE MEDICAL RECORDS

The jailer is responsible for maintaining records on the booking slip or such

supplemental notations as required of all complaints of illness or injury, transport to medical facilities, information regarding treatment and such other pertinent medical data as may be deemed necessary.

Where treatment is at a hospital or other outside medical facility, a copy of the doctor's emergency treatment form is to be obtained.

All medical information, data or notes are to be retained in the individual's arrest package.

4.305.09 TRANSFER OF MEDICAL INFORMATION WITH INMATES

All inmates who are transferred to another facility should have a copy of the San Fernando Police Medical Screening form (back of prisoner's hard card) and a copy of any medical treatment form(s) transferred with the inmate to the other agency, i.e., Los Angeles County Jail, Court lock-up, and other medical and mental health facilities.

4.305.10 INFORMED CONSENT

Except for emergency treatment, as defined in Business and Professions Code Section 2397 and Title 15, Section 1217, all examinations. Treatments and procedures affected by informed consent standards in the community are likewise observed for inmate care. In the case of minors, or conservatees, the informed consent of parent, guardian or legal custodian applies where required by law. Any inmate who has not been adjudicated to be incompetent may refuse non-emergency medical and mental health care. Absent informed consent in non-emergency situations, a court order is required before involuntary medical treatment can be administered. This information shall be provided all inmates as part of the "Inmate Orientation."

4.305.11 DEATH IN CUSTODY REPORTS

California Government Code Section 12525 requires that in any case in which a

person dies while in the custody of a law enforcement agency or local or state correctional facility, the agency shall report in writing to the California Attorney General and the Los Angeles County Department of Health, within 10 days after the death, all facts in their possession concerning the death.

Death in custody reports should be forwarded to:

Bureau of Criminal Statistics
Attn: Death in Custody Program
P.O. Box 903427
Sacramento, California 94203-4270

Death of a minor in custody should be forwarded to:

Board of State and Community Corrections
600 Bercut Drive
Sacramento, California 95811

There shall be an operational review of any case in which a person dies while detained in the San Fernando Police Facility. The review team should consist of the Support Services Commander, Health Administrator (Los Angeles County Health Department), responsible physician (Los Angeles County Coroner) and other health care and supervision staff who are relevant to the incident.

4.305.12 SUICIDE RECOGNITION AND PREVENTION

A. Introduction

Police personnel perform a wide range of duties that facilitate the security, maintenance, and well being of those confined to the detention facility. Through these duties, personnel are also able to aid in the prevention of suicides within the facility.

Personnel responsible for dealing with individuals who may exhibit suicidal behavior should attempt to come to grips with their own feelings about death. This will help facilitate the intervention techniques, as set out in this

section, for the purpose of suicide prevention. By being aware of their own feelings, custody personnel will be better able to relate to an inmate experiencing a suicidal crisis.

This section is not intended to change attitudes, beliefs, or feelings about death or suicide, and how they pertain to inmates. Instead, it is hoped that awareness of one's own feelings about these subjects will enable personnel to recognize abnormal behavior and implement intervention techniques.

The contents of this section include carefully selected topics that are felt to be of great assistance in the performance of these duties.

The primary purpose of this section is to provide each person working in the San Fernando Detention Facility with the following information so that it may be applied when necessary.

B. Symptomology (What You Should Look And Listen For)

Persons confined to a correctional facility, not unlike persons who live in the general population, may become suicidal at one point in time, although they become suicidal for different reasons.

It is important to be aware that not all suicidal persons will display signs of depression, although it is still usually the best single indication of potential suicide. During a suicidal crisis, most persons will display either some or all of the following symptoms:

1. Observable Physical Signs of Depression

    - Sadness and crying
    - Withdrawal, silence
    - Loss or gain in appetite marked by noticeable weight gain or loss

- Insomnia, awakening early and not being able to return to sleep

- Mood variations

- Lethargy - slowing of physical movements; such as walking and talking

These symptoms are usually a good indicator that something is wrong and are particularly serious when they represent a sudden change in personality or mood. If an inmate exhibits or communicates feelings of overwhelming confusion, the suicidal potential should be considered very serious.

The danger of self-destruction is at its peak when the inmate has given up and withdrawn and is no longer communicating. Therefore, keeping the lines of communication open is crucial. Establishing a relationship with a new inmate will encourage him or her to talk to you in the future.

2. Verbal Clues

In addition to looking for the more obvious physical symptoms of depression mentioned earlier, it is also important to listen for the following verbal cues, which may be picked up during conversation:

- The inmate projects hopelessness or helplessness.

- The inmate speaks of getting out of jail unrealistically.

- The inmate sees a future in his life, however, it is unrealistic.

- The inmate does not appear to be effectively dealing with the present and may be preoccupied with the past.

- Inmate tells you he plans to commit suicide.

- Inmate exhibits sudden changes in behavior, e.g., makes an unprovoked attack on an officer.

3. Other Warning Signs

- Inmate has previously attempted suicide.
- Inmate has previous history of mental illness.
- Inmate gives away personal possessions.
- Full moon.
- Adverse weather conditions.
- Adverse world or economic conditions.

C. Categories Of Suicidal Persons

Studies show that correctional facilities inmates take their own lives 3+ times more frequently than persons in the general public (Danto, 1973).

In order to most effectively deal with suicidal inmates it will be most helpful to know the various categories of persons who commit suicide as well as the unique occurrences, which can contribute to a suicide attempt. Suicidal behavior may be prevented in the future by increased knowledge concerning the causes. There are many reasons why someone may become suicidal.

1. Emotional States

- Suffers from some mental disorder.
- Depression - Examples of behavior as listed earlier are sadness, withdrawal, insomnia, and, in more serious cases, severe feelings of hopelessness and helplessness.

- Paranoia - Behavior is usually in response to some form of delusion or hallucination. Persons in this category may believe someone is out to get them, or may hear or see things that are not really there.

- Guilt or shame ridden - due to crime committed, or arrest due to shameful act.

- Bereaved - After having suffered a recent loss of loved one or other significant person via divorce or death.

- Drug or alcohol abuser.

- Manipulator or mutilator.

- Young impulsive inmate - probably charged with a violent crime. This inmate should be watched closely. Although this inmate will not usually display the symptoms of clinical depression, he/she does often make a serious attempt of high lethality, often during the first seven days of incarceration; usually as a reaction to the confinement of the jail setting. **OBSERVE THIS INMATE CLOSELY.** He may appear to be arrogant, "macho", and/or confident on the surface but could be harboring feelings of hopelessness and defeat.

- Older inmate - who often displays the (clinical) signs of depression listed earlier. These persons usually make threats or attempts before death. Suicide in this group often appears to be precipitated by the loss of support or rejection by a significant person during the suicide's incarceration.

- Chronically or terminally ill.

- Persons recuperating from major surgery.

- Homosexuals or anyone subjected to homosexual rape.
- New mother.
- Incarcerated ex-law enforcement officers or professionals.
- First offender.
- Persons who have committed a crime of passion.

2. Additional Factors

In addition to the emotional state of the inmate, there are other factors, which often contribute to an inmate's suicidal tendency. He or she may:

- Be poor.
- Perceive themselves as consistent losers in life.
- Be cut off from significant persons.
- Have many personal convictions.

As suggested, there are numerous types of inmates who may exhibit suicidal tendencies. The likelihood of any inmate committing suicide is a product of each inmate's unique situation, including his background, and vulnerability to depression, his psychological health, plus the physical and organizational makeup of the institution. THEREFORE, VIRTUALLY ANYONE CONFINED SHOULD BE CONSIDERED A POSSIBLE SUICIDE RISK! Personnel must know what they can do to aid in the prevention of suicides. In doing so the goal of prevention becomes more apt to be achieve

D. Profile Of A Suicide

(Based upon New York State Commission of Correction Statistics 1972-1977).

As mentioned earlier, persons of all ages commit suicide in jails, however, statistically the person most likely to commit suicide while incarcerated is:

- Hispanic or white male,
- and in their early twenties.

The highest percentages of suicide occur among these individuals within the first 72 hours of incarceration, and also around the time of sentencing, between the hours of 12-8 a.m., when supervision is minimal. Serious suicide attempts also occur during shift changes.

Most suicidal inmates were going through a suicidal crisis at the time of arrest and are still amidst this crisis during their incarceration. The trauma which an inmate is subject to during his or her incarceration, such as booking, lack of privacy, and fear of being incarcerated, are an additional burden with which an inmate is forced to cope. Sometimes the feelings which are associated with these events are too much for the inmate to handle, thus making this person a high suicide risk. Knowledge of this can help to establish a relationship with those whom you contact.

There are several categories of inmates that may be or may not become suicidal during their incarceration. Of highest risk are those who seem to be behaving abnormally or indicate they may be experiencing a serious inner conflict. Persons in this category may verbalize their tendency in the following way(s):

- Feelings of intense guilt and remorse related to an actual or imaginary act: examples, murder, assault, rape.
- Self-condemnation and the desire to hurt oneself as a means of punishing oneself for an actual or imaginary act.
- Inmate cannot bear to suffer any longer and wishes to bring an end

to it (but how?). THIS PERSON MAY BE SUICIDAL!

- Obvious preoccupation with thoughts and/or fantasies of suicide.
- Inmate explains that he/she is going to take his or her own life.
- A clear and concise plan by which to commit suicide.
- Expression of one or several of the following thoughts:
- I am a failure.
- I am no good, rotten, evil, my family and the world would be better off without me.
- My life has no meaning. I am going nowhere.
- I am a burden to my family. I only cause them pain; they would be relieved if I were gone.

These persons may be suicidal!

Use positive intervention techniques as described later in this procedure when dealing with these persons AND REMEMBER THAT WHAT YOU SAY CAN MAKE THE DIFFERENCE.

E. Talking To Suicidal Inmates

One of the most important reasons for an officer to be attentive to the emotional needs of an inmate is that the inmate may not be suicidal yet. The inmate could be desperately searching for a reason to live and seeking help. Denial on the part of the officer of the individual's problem and withdrawal or lack of attention, or human kindness could literally cause this individual to decide to kill him/herself, and to confirm the inmate's feelings that his or her life is not worth living and that death is the only answer to his or her problems.

You will not endanger an inmate's life by discussing their suicidal

thoughts; on the contrary you will acknowledge the suicidal thoughts and encourage verbalization, which is desired. Do not be judgmental; always assume a suicidal threat or attempt is of a serious nature. All cries for help are genuine and cannot be measured by the apparent seriousness of the threat. Presence of the following factors increase the degree of seriousness with which a threat should be regarded:

- Inmate in his early twenties.
- Inmate has previously attempted suicide.
- Inmate displays signs or symptoms of depression.
- Inmate does not have the support of family members or other significant persons; e.g., he/she may not be receiving any visits or letters from loved ones, or friends.
- Inmate has recently lost the support of a loved one through death or divorce, etc.

F. Popular Myths About Suicide

Discussion of death, and particularly suicide, has always been more or less taboo in our society. Consequently, most of us accept certain misconceptions about suicide as truth.

Belief in these misconceptions by persons, such as law enforcement officers, who have contact with suicidal persons can only be detrimental and must be recognized and dealt with if successful intervention is to be achieved. For example, it is a common misconception that if a suicidal inmate appears to have passed his or her suicidal crisis that the suicide risk is over and the inmate is out of danger.

On the contrary, research indicates that half of the persons who were in a suicidal crisis, and subsequently committed suicide, did so within 90 days of having passed the emotional crisis, and after they appeared to be on their way to recovery (Farbero and Schneidman).

Any inmate exhibiting a behavioral change such as an improvement during such a suicidal crisis should be carefully watched, as this is a very critical period.

BE AWARE Of the symptoms ordinarily displayed by an inmate before a suicide attempt.

BE ALERT To the obvious and sometimes subtle cues which every inmate sends out.

DAILY CONTACT Make it work for you. By making an effort to notice any (sudden) behavioral changes, that an inmate displays you may be able to prevent an unnecessary death.

BE SYMPATHETIC Do Not be judgmental. You are responsible for the welfare of those inmates under your supervision not for judging their moral character.

DO NOT GIVE UP If a person appears to be resisting help, do not be impulsive and withdraw the help and interest you have shown him/her thus far. More often than not an inmate's resistance is relatively superficial and will usually disappear gradually if you remain consistently sympathetic and helpful.

G. Interaction Techniques

You have just been presented with an overview of suicide symptomology and characteristics. The remaining portion of this section will deal with recommended techniques to be used when dealing with potentially suicidal inmates.

This section does not attempt to give a set procedure to guarantee suicide prevention, but rather to furnish information and tools that, if used properly, can increase your chances of serving as a deterrent to self-inflicted death.

There are certain positive interaction techniques that should be used by officers in communicating and effectively dealing with inmates that may be suicidal.

A fundamental guideline for the officers to follow is to encourage the individual to open up and discuss his suicidal thoughts.

1. Four questions to be asked in dialogue are:

   - How do you plan to take your life?
   - Where do you plan to do this?
   - When do you plan to do this?
   - Do you have the tools to accomplish this? If not, where do you plan to obtain them?

Jailer: "You have decided to do it, how do you plan to do it?"

Inmate: "It is not gonna be easy, but I could probably hang myself from these bars."

It is important to note at this time that by discussing suicide with a potential victim, you will not initiate suicidal thoughts but will instead encourage the person to discuss existing ideas. THE DECISION TO TAKE ONE'S OWN LIFE COMES FROM WITHIN. NO ONE CAN MAKE A PERSON DECIDE TO COMMIT SUICIDE. It is possible for one to HELP change that decision, by offering the inmate alternative solutions, by introducing the concept of HOPE! It is important for you to know and understand the interaction skills that are necessary if one is to successfully intervene during another individual's personal crisis.

The following are elements of intervention that officers should be aware:

a) DYNAMICS - Dwelling on one's self

RESPONSE - Allow gratification by letting individual talk.

b) DYNAMICS - Feeling of loss

RESPONSE - Show interest and support

c) DYNAMICS - Loss of self-esteem

RESPONSE - Point out individual's strong points. Appeal to his or her ego. Jailer: "Why don't you try being more positive. Don't you think your wife would rather have you here than not at all. Try thinking more about when you get out of here, being with your wife and kids, working again...

d) DYNAMICS - Anger

RESPONSE - Express what the person is afraid to express himself, take the burden away from him.

e) DYNAMICS - Feeling of being alone

RESPONSE - Involve others; put in contact with significant others; i.e., wife, girlfriend, mother, father.

f) DYNAMICS - Cry for help

RESPONSE - Assure individual about your willingness to help.

g) DYNAMICS - Anxiety

RESPONSE - Be tolerant of individual's and your own anxiety, do not lose your patience with his or her depression and/or your own uneasiness with the situation.

These dynamics can be achieved by using the interaction techniques listed below:

- SILENCE - Often encourages the inmate to verbalize if it appears you are interested.
- ACCEPTING - "Yes," "uh-hum," etc.
- RESTATING - Rephrase what inmate says, Jailer: "You're having difficult sleeping?"
- OFFER GENERAL LEADS - "Go on" "and then" encourages the inmate to continue.
- GIVE BROAD OPENING - Ask inmate if he would like to discuss something or what he is thinking. This releases tension and despair; the inmate was probably wishing someone would ask what was wrong.
- SEEK CLARIFICATION - "I'm not sure I understand. Could you explain?"
- ATTEMPT TO PUT THINGS IN SEQUENTIAL ORDER - Develop circumstances leading up to present situation.
- PRESENT REALITY - In the form of discussing how fantasies are fun, but that we must accept and deal with everyday life functions.
- SUGGEST Collaboration - Introduce the idea of discussing problems with someone else, perhaps a sensitive inmate that the person could relate to.
- ENCOURAGE EVALUATION - Ask inmate how he/she feels after discussing the problem with someone else. Is he/she more comfortable with the situation?

- DISCUSS ALTERNATIVE PLANS OF ACTION FOR FUTURE - "How can you let your anger out harmlessly?" "Next time this comes up how do you think you will handle it?"

H. Alcohol And Drug Abuse And Suicide

Alcohol and/or drug abuse are common denominators often found in suicide victims in both the jail setting and the general population. According to New York State Commission of Correction figures an estimated 43% of those committing suicide in county facilities or police lock-ups in 1977 were known to have a history of drug abuse. Regardless of whether alcohol is seen as the symptom or the disease, it often distorts the individual's perception of reality and may lend to the formation of suicidal thoughts.

According to Sam Helig of the Los Angeles Suicide Prevention Center, in one year 65% of the people who committed suicide were charged with being under the influence and were found dead in their cells a few hours after arrest. "The man sobering up after a severe intoxication with ensuing depression, having messed up his own life even more, finding himself in jail, may decide to end it all."

It is important to note at this time that police officers play an important role in their dealings with intoxicated individuals, who may be suicidal. It is common for depression to set in as the individual begins to sober up. As the realizations of his immediate circumstances set in, the possibility of suicide increases. These individuals should be watched carefully and all necessary precautions should be taken in the jail facility.

4.305.13 FIRST AID KITS

A professional grade first aid kit is maintained within the detention facility storage closet as well as at various locations within the police facility. The jail supervisor

is responsible for maintaining the detention facility first aid kit as part of the monthly fire prevention inspection process.

January 1, 20094.701.02

ROBERT R. ORDELHEIDE
Chief of Police

Date

4-200 Arrest Transportation and Booking Part I.pdf

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4-200
ARREST, TRANSPORTATION AND BOOKING

4-201.01 ARREST

A. Handcuffing

A person who is arrested shall be handcuffed with their hands behind their back except when handcuffing would hamper completion of an investigation or if impossible due to a physical condition of the arrested person.

B. Searching (Males)

Officers shall conduct an immediate pat-down search of any male they arrest for weapons. Generally, a search of the person for evidence, *"fruits and instrumentalities"* of the crime, contraband, or weapons, is still proper, at least where the officer has probable cause to believe that such items may be on the violators person.

C. Searching (Females)

The search of a female's person is an especially sensitive procedure.

While the officer must remain aware that the potential for physical harm is just as severe with a female as with a male in terms of concealed weapons, the need to maintain the dignity of the female requires added prudence.

If a female is to be searched and no female officer is available at the scene, an officer shall:

1. Call a female officer to the scene to conduct the search of the female, or;

2. Conduct a limited pat-down search of the female if a delay in the conduct of the search presents a danger to the officer or others.

    - When practicable, witnesses shall be present during the search of the female.

    - Officers shall use all possible diplomacy and discretion in the search, restricting it to measures ensuring immediate safety.

3. When a female is arrested, her purse shall be taken from her immediately and searched for weapons and/or contraband.

4-201.02 TRANSPORTATION

A. All Persons

Arrested persons shall be transported in the caged rear compartment of the police vehicle whenever possible. All arrested persons shall be restrained by seat belts while being transported.

B. Females

Male officers transporting arrested females shall request a time check from the communications operator and give the following information:

- Location of departure and destination.
- Mileage upon departure.

When the officer arrives at the destination, they shall give the communications operator the following:

- Location of arrival.
- Mileage upon arrival.

The communications operator shall be notified immediately if any delay or detour is necessary during the transportation of the female.

4-201.03 BOOKING

A. Watch Commander Approval

Booking approval shall be obtained from the Watch Commander. The Watch Commander has final responsibility for all persons being booked at and/or housed in the detention facility.

B. Searches of Persons Arrested

Booking searches shall comply with the provisions of Penal Code Section 4030 (Strip searches).

1. Definitions

a. "Strip Searches"

means a search that requires a person to remove or arrange some or all of his or her clothing to permit a visual inspection of the underclothing, breasts, buttocks, or genitalia of such person.

b. "Body Cavity"

only means the stomach or rectal cavity of a person, and vagina of a female person.

c. "Visual Body Cavity Search"

"means visual inspection of a body cavity.

d. "Physical Body Cavity Search"

means physical intrusion into a body cavity for the purpose of discovering any object concealed in the body cavity.

2. Procedures (Minor Offenses)

Like Penal Code Section 4030, the provisions of this section shall apply only to prearraignment detainees arrested for infraction or misdemeanor offenses and to any minor detained prior to a detention hearing on grounds that he or she is a person described in Section 300, 601, or 602 of the Welfare and Institutions Code alleged to have committed a misdemeanor or infraction offense.

The provisions of this section shall not apply to any person arrested for felony offenses or misdemeanor or infraction offenses involving weapons, controlled substances or violence. The provisions of this section shall not apply to any person in the custody of the Director of the Department of Corrections (Parole Violators) or the Director of the Youth Authority (Juvenile Parole Violators).

a. General Searches

When a person is arrested and taken into custody, that person may be subjected to patdown searches, metal detector searches and thorough clothing searches in order to discover and retrieve concealed weapons and contraband substances prior to being placed in a booking cell.

b. Strip Searches/Visual Body Cavity Searches

No strip searches or visual body cavity searches are authorized unless a **peace officer** has determined that there is reasonable suspicion based on specific and articulable facts to believe such person is concealing a weapon or contraband. No strip search or visual body cavity search or both may be conducted without prior written authorization of the supervising officer on duty. The authorization shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination was made by the supervisor.

Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched.

All strip and visual body cavity searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedures require them to be present at the time the search is conducted.

Pursuant to Penal Code Section 4030 (n): A person who knowingly and willfully authorizes or conducts a strip, visual or physical body cavity search in violation of this section is guilty of a misdemeanor.

c. Physical Body Cavity Search

No person arrested on a misdemeanor or infraction offense shall be subjected to a physical body cavity search except under the authority of a search warrant issued by a magistrate specifically authorizing the physical body cavity search.

Watch Commanders shall consult with the Patrol Division Commander regarding obtaining a search warrant in the event an officer observes or suspects a person of concealing any object in a body cavity. Constant visual personal supervision of this person shall be maintained until the situation is remedied.

Physical body cavity searches shall be conducted under sanitary conditions, and only by a physician, nurse practitioner, registered nurse, licensed vocational nurse or emergency medical technician Level II licensed to practice in this state.

3. Procedures (Serious, Major and Specific Offenses)

The provisions of this section apply to any person arrested for a felony offense or misdemeanor or infraction offense involving weapons, controlled substances or violence. The provisions of this section also apply to any person in the custody of the Director of the Department of Corrections (Parole Violators) or the Director of the Youth Authority (Juvenile Parole Violators).

a. General Searches

When a person is arrested and taken into custody, that person may be subjected to patdown searches, metal detector searches and thorough clothing searches in order to discover and retrieve concealed weapons and contraband substances.

b. Strip Searches/Visual Body Cavity Searches

Strip searches or visual body cavity searches are authorized for these persons.

Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched.

All strip and visual body cavity searches shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the search. Persons are considered to be participating in the search if their official duties relative to search procedures require them to be present at the time the search is conducted.

c. Physical Body Cavity Search

Although search warrants are not specifically required for these persons, Watch Commanders should consult with the Patrol Division Commander regarding obtaining a search warrant in the event an officer observes or suspects a person of concealing any object in a body cavity. Constant visual personal supervision of this person should be maintained until the situation is remedied.

Physical body cavity searches shall be conducted under sanitary conditions, and only by a physician, nurse practitioner, registered nurse, licensed vocational nurse or emergency medical technician Level II licensed to practice in this state.

4. General Search Procedures

a. Gender

All persons shall be searched by personnel of the same sex

as the person being searched.

b. Handcuffs

Handcuffs shall not be removed until a thorough patdown and clothing search has been conducted.

c. Clothing

Officers should remove all items from the persons clothing including pockets unless doing so might result in an injury to the officer or the person being search.

If an officer allows the person being searched to remove any items from their clothing, the officer shall first conduct a thorough patdown of the area to alert on any possible weapons or contraband. Officers shall also be alert to the person attempting to conceal or swallow any contraband retrieved from their clothing.

d. Personal Jewelry

The person being searched should be allowed to remove watches, rings, religious medals, earrings, and glasses from their person unless doing so would create a safety hazard.

e. Lighters

Lighters are to be considered a safety hazard in the detention facility; therefore, they shall not be booked with an inmate's property. Lighters are to be booked into property for safekeeping. The inmate shall be advised of this action and given a Property Receipt for the item taken.

f. Property Bag

All property taken from the inmate will be placed directly into

a clear plastic property bag.

g. Money

Money, checks, script and food stamps shall be counted in front of the inmate. The Watch Commander should verify large amounts (over $500.00), documenting on the money envelope the number of each denomination received and the total amount.

Money envelopes should be sealed in the top portion of the property bag separately from other property.

h. Combative Persons

Combative persons shall be booked under the supervision of the Watch Commander.

i. Identification

Carefully check all identification and personal papers. Verify exact first, middle, and last names and confirm spellings. Check birth date and confirm the person's age. Carefully investigate a person who appears to be 18 years of age or older but insists he or she is younger. Some persons believe that they will be treated more leniently and may be released more quickly if they can be successfully booked and handled as a juvenile.

C. Detained Only Persons

Pursuant to Penal Code Section 849(b): Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He or she is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.

- The decision to release a person under this section should not be made until after the person has attained a sober state and a review of the person's criminal history including prior arrests and convictions for similar offenses is made by the Watch Commander.

(3) The person was arrested only for being under the influence of a controlled substance or drug, such person is delivered to a facility or hospital for treatment, and no further proceedings are desirable.

It is the responsibility of the arresting officer to make sure that every person brought here under detention or arrest for any reason is logged and signed by the officer into either the adult confinement or juvenile detention logs.

D. Parking Offenses and Traffic Infractions

1. California Vehicle Code Section 40304.5

Notwithstanding any other provision of law, whenever any person is taken into custody for bail to be collected on two or fewer outstanding warrants for failure to appear on a citation for a parking offense or a traffic infraction, the person shall be provided the opportunity immediately to post bail, and shall not be booked, photographed, or fingerprinted, nor shall an arrest record be made, when the amount of bail required to be paid on the warrant may be ascertained by reference to the face thereof or to a fixed schedule of bail, unless and until all of the following requirements have been exhausted:

(a) If the person has sufficient cash in his or her possession, that person shall be given the opportunity immediately to post bail with the person in charge of the jail or his designee.

4-102 Training Personnel and Management.pdf

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4-102
TRAINING, PERSONNEL, AND MANAGEMENT

4-102.01 PERSONNEL TRAINING

A. Custodial Personnel

All custodial personnel shall complete the "Corrections Officer Core Course" as described in Section 179 of Title 15, CCR.

B. Managerial Personnel

All managerial custodial personnel including the facility manager shall participate in the annual training prescribed under Section 184, Title 15, CCR. This course is specific to jail management and other management training required by STC or POST shall not be substituted.

The training noted above shall be completed as soon as practical, but in any event not more than one year after the date of assigned responsibility or the effective date of these regulations.

C. Annual Required Training

All facility administrators, managers and custody personnel shall participate in the "annual required training" specified in Section 184 of title 15, CCR.

4.102.02 NUMBER OF PERSONNEL

The Patrol Division Commander shall ensure that there are sufficient personnel available to conduct at least hourly routine safety checks of all inmates and to ensure the implementation and operation of the programs and activities required by these policies and procedures. Whenever there is an inmate in custody, there shall be at least one person on duty at all times who shall be immediately available and accessible to inmates in the event of an emergency. The care of inmates in the event of an emergency shall become this employee's only duty. These personnel shall meet the training standards established by the Board of Corrections for general fire and life safety, which relate specifically to the local detention facility. Whenever one or more females are in custody, there shall be at least one female employee who should in the like manner be immediately available and accessible to such females. Watch Commanders are authorized to hold over or call in a female employee to care for females in custody psyching

release or transfer to another facility. These staffing plans should be documented on the Deployment Period (DP) Schedule maintained by the Patrol Division Commander and posted within the Briefing Room.

4-102.03 POLICY AND PROCEDURES MANUAL

The Support Services Commander shall review and update the Detention Facility Policy and Procedures Manual at least once annually. A copy of the memorandum documenting this process shall be placed in the Detention Facility Annual Log and Detention Facility Policy and Procedures Manuals maintained within the Watch Commander's Office and Detention Facility as part of the Public Information Plan. Employees are provided constant direct access to the entire policy and procedures manual maintained on the department computer network.

4-102.04 INSPECTIONS AND OPERATIONS REVIEW

Inspections shall be conducted according to the schedule below:

TYPE OF INSPECTION/DOCUMENTATION

A. Annual fire prevention inspection by local fire department (LAFD) as required by Health and Safety Code Section 13146.1(a)/LAFD report.

B. Annual smoke detector inspections by independent LAFD REG. 4 Certified Tester/Contractors report.

C. Monthly fire prevention inspection by Jailer Supervisor/Monthly Fire Inspection Report.

D. Routine facility inspections/Sergeant's Report-Daily Log

E. Routine safety and fire checks jailers/Detention Facility Log.

F. Annual Los Angeles County Health Department inspection/Health Department Report.

G. Annual Facility Operations Review/Support Services Commander Report.

4-102.05 FIRE SUPPRESSION PREPLANNING

A. Fire Department

The Support Services Commander shall consult with local Fire Department personnel during the annual Fire Prevention Inspection regarding fire suppression recommendations. Together they will physically inspect the entire detention facility.

B. Fire Detection Signaling System

The San Fernando Detention Facility is equipped with a fire detection signaling system centrally wired to the Communications Desk. A continuous alarm indicates activation; a pulsing alarm indicates a low battery. At least once each calendar year, a LAFD REG. 4 Certified Tester shall inspect the entire system and make necessary repairs to ensure performance.

C. Remodeling Inspections

In the event of any substantial remodeling or alteration of the detention facility, the Support Services Commander shall call the local Fire Department and responsible REG. 4 contractor to re-inspect the facility and shall implement such fire prevention and detection measures as may be required.

D. Monthly Fire Prevention Inspections

The Jail Supervisor is responsible for monthly fire prevention inspections to include physical examination of escape access routes, working condition and availability of critical keys and testing of emergency equipment. Unsafe conditions should be immediately addressed. Monthly Fire Prevention Inspection Reports should be forwarded to the Support

Services Commander and retained for a period of not less than two years.

E. Routine Facility Inspections

Watch Commanders and Jailers shall make a physical inspection of the detention facility at least once each shift near the beginning of the shift. Unsafe conditions shall be immediately addressed. Cells that have been contaminated or are in need of repair should be removed from service until repaired and re-inspected. Watch Commanders shall document any unsafe conditions on the Sergeants Log and forward a copy to the Support Services Commander. The Watch Commander and Jailer are responsible for ascertaining that all critical door keys are available for the immediate evacuation of all inmates if required.

F. Routine Safety Checks

Jailers shall conduct routine safety checks by direct visual observation of all inmates and the detention facility to ensure compliance with all facility procedures. Unsafe conditions shall be immediately addressed and brought to the attention of the Watch Commander.

G. Evacuation and Emergency Drills

All Detention Facility personnel are required to participate in evacuation and emergency drills no less frequently than once every year. Such drills are to be conducted under the supervision of the Support Services Commander. All new custody personnel are to be thoroughly instructed in the use of all fire extinguishers in the detention facility as part of their initial training.

H. Evacuation Plan/Maps

All Detention Facility personnel are required to be familiar with the following evacuation procedures:

1. Location of Fire/Emergency Route

- Route 1-east exit of Detention Facility into Sally Port and out to Employee Parking Lot.

- Route 2-hallway through booking area into main station. Route inmates to inmate exit door #12, adjacent to Reproduction Room.

- Route 3-west exit of Detention Facility into main station. Route inmates to inmate exit door #12, adjacent to Reproduction Room.

2. Emergency Housing of Inmates in Case of Fire or Other Emergency

The Police Facility Range or in the case where the entire police facility must be evacuated, the old detention facilities or police range located at 120 Macneil Street may be used for emergency housing of inmates until transportation to County Jail can be arranged.

3. Specific Fire Dangers

There are two dangers associated with fire in a detention facility:

- Damage to persons and property caused directly by the fire itself.

- Damage to persons and property by smoke and toxic substances.

Both dangers must be recognized in any fire situation since the second danger may be difficult to assess under emergency conditions.

I. Emergency Procedures

The following general procedures apply to fire situations and other

emergencies natural or man made occurring in the Detention Facility. In the event, a detection system is activated due to the presence of a fire in the jail facility; the following emergency procedures are to be put into immediate effect:

1. Responsible Party Action

   - Be prepared and notify the Fire Department as needed.
   - Immediately notify the Watch Commander.
   - Route all available units to the detention facility for possible inmate evacuation.
   - Responding personnel should immediately determine extent and location of fire and smoke extinguishers.

2. Evacuation

   For larger fire and smoke hazards, begin evacuating all inmates through evacuation routes to the emergency housing area as determined by the Watch Commander.

3. Emergency First Aid

   The jailer, the Watch Commander, and such other personnel as may be directed by the Watch Commander shall immediately render first aid assistance to any inmate injured or disabled in the occurrence. Fire Department Rescue Personnel are to be notified immediately. The procedures below are offered as guidelines for emergency first aid.

   a. Heart Attack - warning signs include:

      - Severe squeezing pains in the chest;
      - Pain that radiates from the chest into the left arm or

neck;

- Sweating and weakness;
- Pain that extends across the shoulder to the back;
- Sudden collapse.

If an inmate is experiencing any of these symptoms, immediately initiate use of the Automatic External Defibrillator (AED) and call for Fire Department Rescue Personnel. Follow standardized procedures outlined by the American National Red Cross for Cardiopulmonary Resuscitation (CPR). Continue CPR until relieved by Fire Department Rescue Personnel or unable to continue.

b. Unconsciousness:

- Have someone else call Fire Department Rescue Personnel and give details.
- Listen for breath sounds - watch the chest and stomach for movement.
- If not breathing, immediately begin rescue mouth-to-mouth breathing.
- Check for pulse- use first two fingers to check for pulse at carotid artery.
- If no pulse, institute CPR until relieved by Fire Department Rescue Personnel or unable to continue.

c. Orthopedics (Broken Bones, Back Injury):

- Do not move inmate unless required to move to a safer location.

- Call for Fire Department Rescue Personnel.
- If bleeding, apply slight pressure on site until medical assistance arrives.

d. Bleeding:

- Apply direct pressure to site (using clean gauze pad, towels or cloth), and have someone call for Fire Department Rescue Personnel.
- If necessary, apply pressure to pressure points. Apply tourniquet only where direct pressure is not effective, and only if a life and death situation exists.

e. Seizures (Severe, Violent Shaking):

- Have someone call for Fire Department Rescue Personnel.
- Do not try to restrain a person having a seizure.
- Move person only if necessary for safety.
- Allow seizure to progress uninhibited. Do not place anything in person's mouth.

f. Acute Abdominal Distress (Severe Pain, Cramps):

- Make person as comfortable as possible.
- Do not give anything by mouth.
- Immediately call for Fire Department Rescue Personnel.

g. Asthma (Severe Wheezing):

If an inmate is wheezing and/or states he is in asthmatic and breathing is difficult and rapid:

- Reassure him/her that medical assistance is nearby.
- Call for Fire Department Rescue Personnel, or take to nearest emergency hospital.

h. Choking:

- Use abdominal thrust method (pressure to lower sternum from behind).
- If above not effective, repeat procedure again.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-104 Records and Public Information.pdf

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4-104.01 POPULATION ACCOUNTING

Inmate demographics should be accounted for through the Detention Facility Log and Juvenile Detention Logs. Applicable inmate information should be provided

to the Board of Corrections as described in the Jail Profile Survey.

4-104.02 INMATE RECORDS

The Department shall maintain individual inmate records which should include, but not be limited to, intake information, personal property receipts, commitment papers, court orders, medical orders issued by the responsible physician and staff response, and non-medical information regarding disabilities and other limitations. This information is to be recorded and/or attached to the inmate's booking slip.

This information should be maintained in the Departmental Records System in the appropriate Departmental Record for the arrest.

NOTE: More than one inmate record can be maintained within a DR file. However, each inmate's record should be complete.

For court commitment inmates, individual records should be maintained together, by month, filed in the Court Commitment file.

4-104.03 INCIDENT REPORTS

A. Written Reports Required

A written report of all incidents which result in physical harm, or serious threat of physical harm, to an employee or inmate of the detention facility or other person, as well as any damage to the detention facility itself shall be addressed immediately and brought to a close. The involved employee shall immediately advise the Watch Commander and complete an Officer's Report if the incident is not otherwise documented within a crime report. Such reports should include names of persons involved, a description of the incident, actions taken, and the date and time of the occurrence.

B. DR Number

Watch Commanders shall ensure that, immediately after the occurrence of such incident or within 24 hours of the incident, a report is competed by appropriate staff and submitted. This report shall receive a Departmental Record (DR) number and phrase "Detention Facility Incident" shall be written at the top of the Department's report form.

C. Report Heading

When a report has been completed regarding an incident in the detention facility, adding the term "Detention Facility Incident" will suffice to eliminate the need for duplicate reporting.

D. Injuries to Personnel

When personnel are injured, the appropriate Officer's Report and Supervisory Reports shall be completed. These reports are confidential and shall remain separate from "Detention Facility Incident Reports."

E. Support Services Commander

The Support Services Commander and such management/supervisory levels as may be appropriate are responsible for immediately reviewing Detention Facility Incident Reports upon their completion.

4-104.04 PUBLIC INFORMATION PLAN

It is the policy of the San Fernando Police Department to provide for dissemination to the public, to other government agencies, and to the news media information related to detention facility rules and procedures affecting inmates. A copy of Detention Facility Policy and Procedures related to the following areas will be maintained in the Watch Commander's Office and available for public review:

- Public Information Plan

- Inmate Education Plan
- Visiting
- Correspondence
- Library Service
- Exercise and Recreation
- Books, Newspapers, and Periodicals
- Access to Telephone
- Access to Courts and Counsel
- Inmate Orientation
- Individual/Family Service Programs
- Voting
- Religious Observance
- Inmate Grievance Procedure
- Rules and Disciplinary Penalties
- Plan for Inmate Discipline
- Forms of Discipline
- Limitations on Discipline
- Responsibility for Health Care Services

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

Patrol Operations.pdf

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3-110
CHANGE OF SHIFT AND ROLL CALL

3-110.01 POLICY

Roll Call is a critical part of each shift. This is the period at the beginning of each shift in which officers are given their assignment for that shift, crime and traffic problems are discussed, communications are disseminated, and training is conducted.

3-110.02 PROCEDURES

A. Change of Shift

Change of shift is that time in which the responsibility for the operation of the patrol division passes from one shift to another. Responsibility passes to the oncoming shift five minutes after their shift starts.

B. Roll Call

Roll call shall take place during the first 15 minutes of each shift, subject to the Watch Commander's discretion. Uniform personnel shall be compensated 1/4 hour overtime per full shift actually worked for the 15 minutes allotted for roll call. This regular overtime may be taken as any other overtime, either paid or compensatory time.

C. Roll Call Required

Each shift supervisor shall conduct a roll call each watch.

D. Attendance

All uniformed officers shall attend the roll call for their shift. The shift supervisor shall cause roll call to be conducted and will be present, if feasible, during the entire roll call period. Investigative and other non-uniformed personnel may be required to attend roll call sessions as necessary.

E. Uniform Requirements

Each officer assigned to uniformed duty shall appear for roll call in the proper uniform and prepared for duty at the start of the shift.

F. Roll Call Procedures

Roll call shall be conducted as follows:

1. Attendance. Notation shall be made of those who are present, absent or tardy.

2. Assignment of duties to each officer.

3. Training period, issuance of instructions, dissemination of information, and discussions of problems and special duties.

4. Other such duties as may be required daily or from time to time.

5. Dismissal of the officers to assume their assigned duties.

G. Reading Orders

A shift supervisor shall read, or cause to be read, to the officers of the shift, for three consecutive days during the roll call period, all departmental and other orders received during the previous 24 hours which might affect the officers of the shift. The supervisor shall make such appropriate notations of this activity as required for the Sergeant's Daily Log.

H. Employees to Remain on Duty Until Relieved

An employee of the department, regardless of duty assignment, shall work the full time assigned for the tour of duty, and uniformed officers shall not leave the assigned duty until such time as they are properly relieved.

I. Officers To Handle Assigned Calls

In order to maintain proper coverage during roll call and shift changes, the off-going shift will be expected to respond to any in progress calls until 10 minutes to the end of the watch and will be responsible for handling report calls up until 30 minutes to the end of watch.

If long drawn out reports are involved then the on-coming shift will take over.

Dispatchers should advise reporting parties of any known delays to responses.

Dispatchers will brief the person assigned to relieve them during the first 15 minutes of their 30-minute overlap. The on-coming dispatcher is expected to attend roll call during the last 15 minutes of the overlap, unless excused by the Watch Commander.

J. Watch Inspection of Vehicles and Equipment

Each on-coming vehicle operator shall inspect their assigned vehicle and equipment after roll call. The on-coming vehicle operators shall complete the Vehicle Inspection Report and advise the Watch Commander of any vehicle or equipment defect that affects the safe operation of the vehicle.

K. Stay in Uniform

Uniform personnel shall stay in uniform until their end of watch.

L. On the Air

Uniform personnel shall be available on the air at all times during their

shift.

M. Personal Business

Personal business on duty is discouraged. Uniform personnel may take brief breaks but shall not conduct private business, shop or do their banking while on duty. Cellular phones or other personally owned communications devices are not permitted.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

3-111
SERGEANT'S DAILY WORK SHEET

3-111.01 PURPOSE

To provide guidelines for the minimum information necessary when completing the Sergeant's Daily Work Sheet/Report.

3-111.02 RESPONSIBILITY

It is the responsibility of each Watch Commander working uniformed patrol to complete the Sergeant's Daily Work Sheet/Report each day worked. This report will be turned in to the Division Commander at the end of each watch.

3-111.03 DAILY WORK SHEET

The sergeant will complete each block as appropriate. Additionally, the Watch Commander should note any officer assigned to that watch who is shown on payroll as sick, injured on duty, on vacation, or any other payroll category.

3-111.04 SERGEANT'S DAILY REPORT

This section reflects all activities of note.

A. Start of Shift

Check boxes are provided for those items for which the Watch Commander is responsible. These items include Roll Call, the Daily Desk Report, Wanted Bulletins, Vacation Checks, W/C Briefing Info, W/T Inventory, Weapons Inventory, Subpoena Book, Prisoner Check, and

Training.

[redacted]

B. Remarks

Under Remarks, the Watch Commander should include any comments concerning the watch. As a minimum, the following remarks should be included for each watch:

- Roll call. All personnel shall be present or accounted for and this shall be noted. Anyone not present or accounted for shall be noted. Anyone late for duty shall also be noted at this time.

- Training. At the beginning of each watch each sergeant should present, or have presented, training designed for the needs of the watch. This should include but not be limited to recent court decisions, state and city statutes, departmental orders, and other job related information.

- Citizen's Complaints. Any citizen complaining about the conduct of any department employee should be noted. This should include the citizen's name, telephone number, the employee complained about, the nature of the complaint and the sergeant's action.

- Major Incidents. Any incident requiring that senior department personnel be notified (Patrol, Detectives, Support Services Commander, or the Chief of Police) shall be noted on the Daily Work Sheet.

- Employee Counseling/Commendation. Sergeants should be providing regular feedback to all employees on their work performance. This should be documented for future reference when completing performance evaluations. Any adverse comments entered about a police officer shall first be read by and signed by

the officer. The police officer may, within 30 days, file a written response to such adverse comments. If said comments reflecting a verbal statement are noted on the sergeant's log, the police officer should initial the entry.

- Building/Equipment/Supplies. Any building, equipment, or supplies needs should be documented as soon as they are noted so that the problem can be corrected.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

3-112
DAILY PATROL LOG

3-112.01 PURPOSE

This departmental order standardizes the completion of the Police Officer's Daily Patrol Log and identifies the routing, indexing, supervisory review, and filing procedures.

3-112.02 PURPOSE OF THE DAILY PATROL LOG

The Daily Patrol Log (DPL) documents the activities of a police officer/unit during a specific shift of duty. This DPL is then reviewed by the responsible sergeant, in conjunction with other logs, as a measure of job performance. This DPL also serves as statistical information for the amount of available patrol time each police officer has, and documents the available equipment in the vehicle, plus any damage noted to the vehicle.

3-112.03 RULES FOR COMPLETION OF THE DAILY LOG

A. One daily log will be completed for each assigned patrol unit for each shift.

   1. Each officer is responsible for ensuring that his or her name appears on the DPL for their assigned unit.

   2. Should officers be split up during a shift, this will be noted on the unit's DPL. An officer assigned to a new unit will start a DPL for that unit.

B. The DPL will be completed and turned in before the officer(s) go end of

watch.

3-112.04 PROCEDURES FOR COMPLETING THE DPL

A. Explanation of Term: See exhibit 1 (attached).

B. Limitations.

1. Any officer/unit listing an arrest must be the primary unit or a unit necessary to effect the arrest. "Driving by" or "touching" does not receive credit for an arrest.

2. An officer's name must appear on a citation to receive credit.

3. All time will be listed to the nearest five minutes. (e.g., 0205, 0210, 0215, 0220, etc.)

4. The vehicle checklist on the reverse side will be completed at the beginning of each shift of duty.

C. Additional Classification.

1. The below classifications will be put at the top of the DPL under "Miscellaneous Notations" and used as indicated in exhibit 1.

A. Parking citations.

B. Misdemeanor citations.

3-112.05 ROUTING

A. At end of watch, each officer/unit will ensure that their DPL is completed before leaving the station. This DPL will be put in tray #1.

B. Each sergeant is responsible for completing the shift summary for his respective shift. He will forward the shift summary, each officer's

summary, and all DPLs to the patrol commander no later than 5 days after the DP.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

EXHIBIT I: DPL EXPLANATION OF TERMS

EXHIBIT I: DPL EXPLANATION OF TERMS

ACTIVITY	ABB.	EXPLANATION
Radio Call	RC1	An assigned radio call designating a unit as the primary unit. When 2 units are assigned as "primary", then both units take RC1 credit.
Radio Call	RC2	Any radio call in which a unit responds but is not the primary unit. E.g., to take prints, gather evidence, assist with traffic accidents, etc.
Felony Arrest	FA	Any felony arrest. Includes booking time. List booking number in space marked "Cite/Rpt No". This classification includes booking reports. Indicate arrest reports separately.
Misdemeanor Arrest	MA	Any misdemeanor arrest. Same as FA.
Observation	OBS	Any activity not covered by any other category but where action is taken. A FIR or Cite is not listed in this category. Arrests from an observation (drunk driver, narcotics, etc.) are listed as an OBS and an arrest (MA or FA). Other examples are suspicious circumstances, open windows on a building, suspicious vehicle, etc.
Report	RPT	Any report taken, including crime or officer's report. Does not include booking report.
Field Interviews	FI	Any FI card completed and turned in at end of watch. Not listed under OBS.
Traffic Accident	TA	Injury, non-injury or hit and run. Indicate RC1 or OBS, and TA.
Moving Citation	MOVE	Any moving citation. List violation under "disposition" and citation number under "Cite/Rpt No". Do not list as OBS.
Equipment Cite	EQUIP	Any equipment or non-moving citation. See moving cite. Do not list as OBS.
Parking Cite	PARK	Any parking citation. Same information as moving citation. Do not list as an OBS.
Special Assignment	SA	Any assignment received from watch commander, such as roll call, Code 7, prisoner meals. Booking a prisoner for another unit would be indicated here.
Misdemeanor Cite	M/CITE	Any misdemeanor citation. See moving cite. Depending upon circumstances, an RC1 or OBS may also be listed.

3-113
DAILY DESK REPORT

3-113.01 PURPOSE

This procedure provides guidelines for completing the Daily Desk Report. The Daily Desk Report provides a concise summary of all calls for service, arrests, and related information for use all departmental personnel. The report also serves as the Public Information Board.

3-113.02 COMPLETION

The primary Dispatcher shall be responsible for ensuring that the Desk Report is completed during their shift. The Report is to be completed and routed one-half hour before the Dispatcher's end-of-watch. There are two methods for completing the Desk Report: the Computer Aided Dispatch (CAD) system, and the manual (typed) system. Below are procedures for each system.

A. Completion of Daily Desk Report

A Daily Desk Report must be completed for each shift. During those shifts when the Department computer system is not available or when personnel working as the Dispatcher are not familiar with the automated Daily Report system, they must type the Daily Desk Report.

B. Standardized Abbreviations

Standardized abbreviations (those used in the CLETS) are allowed. To avoid confusion, no other abbreviations should be used.

C. Names of Juveniles

Full names of juveniles shall not be entered onto the Daily Desk Report. Juvenile entries shall be made as follows:

First Name, Initial of Last Name, Date of Birth, Charge (Example: John D., 1-10-68, 602 WIC/459 PC).

D. Names of Victims (see Manual Section 3-702.02 E)

The Department is required to disclose certain information (see above section). However, the name of any victim in a violation of Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9, may not be disclosed. Furthermore, in order to protect victims of crimes, the information provided pursuant to this subsection should not include the location of an offense where to do so would reveal a victim's address. In these cases, the victim should be listed as "Jane Doe".

F. Watch Commander's Review

The Watch Commander, before end-of-watch, and before the Dispatcher's end-of-watch, shall review the Daily Desk Report (automated or manual) for content, spelling, grammar, punctuation, completeness, and compliance with departmental orders. The Watch Commander shall sign his name upon approving the Daily Desk Report.

G. Routing

After completing the Desk Report, make four copies and two-hole punch each copy at the top. The original copy remains on the desk clipboard and the copies are distributed in the mail to the following offices:

- Detectives
- Records
- Briefing Room

- Property Control

3-113.03 AUTOMATED SYSTEM

The Dispatcher will complete the Daily Desk Report with the CAD system using the appropriate screens and fields.

3-113.04 MANUAL SYSTEM

Personnel working as Dispatcher who are not familiar with the automated system must type the Daily Desk Report. Samples are available in the Communications Center.

Whenever a manual log has been completed for a shift, the oncoming Dispatcher must enter the log information into the CAD system. This ensures that any future report analysis includes all calls.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

3-114
COMPLETION OF REPORTS

3-114.01 POLICY

It is essential that reports be completed as soon as possible. This ensures the availability of the report to other divisions needing access to the information and allows for timely investigative follow up and subsequent arrests.

3-114.02 PURPOSE

This order ensures that crime, arrest, traffic, and property reports by patrol and detective are completed in a timely manner.

3-114.03 PROCEDURE

A. Completion of Reports

All reports shall be completed before an officer or detective goes off duty unless authorized by the officer's or detective's respective supervisor.

B. Watch Commander Discretion

Watch Commanders and Detective supervisors may authorize an officer or detective completing a report to hold over the report for completion until the next shift. Primary consideration should be the necessity for completion of the report for follow up investigation by other divisions within the department. However, all reports must be completed before an officer begins days off.

Example: Reports initiated on Friday night normally can be held over

until the next shift assuming that the reporting officer/detective will return to duty and be able to complete the report before 0800 hours the following Monday.

Officers who begin their days off and will not return for three or four days must complete all reports before starting their days off.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-600 Bedding and Linens.pdf

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4-600
BEDDING AND LINENS

4.601.01 BEDDING ISSUED

Inmates shall be issued one sheet and one blanket upon assignment to a housing unit. Additional blankets are authorized depending upon climatic conditions. Towels should be issued only when inmates are moved to the shower.

4.601.02 MATTRESSES

Each cell is equipped with a mattress which conforms to the size of the bunk and

covered in an easily cleaned non-absorbent ticking pursuant to Title 24, section 2-470A.3.5, Beds.

4.601.03 RELEASE OF INMATES

Upon release of the inmate, bedding is removed from the cell and placed in the soiled linen receptacles provided.

4.601.04 WATCH COMMANDER INSPECTION

At the beginning of each shift, the Watch Commander shall inspect the detention facility to ensure that all bedding not in use has been picked up. This inspection should be documented as part of the "Routine Facility Inspection" on the Sergeants' Daily Report and Jail Log.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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4-400 Food Service.pdf

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4-400
FOOD

4.401.01 FOOD

A. Frequency

Food shall be served three times in any 24-hour period. At least one of these meals shall include hot food. Food service is regularly scheduled; 0500-0700 hours (breakfast), 1100-1300 hours (lunch) and 1700-1900 hours (dinner). If for any reason more than 14 hours pass between these meals, supplemental food shall be served. Inmates requiring therapeutic or special diets should not be housed at the San Fernando Detention Facility and should be transferred to the appropriate Los Angeles County

Jail facility as soon as possible.

Inmates should be allowed a minimum of 15 minutes for the actual consumption of each meal.

B. Minimum Diet

All inmates shall be fed a minimum diet consisting of the full number of servings from the four food groups specified in CCR Title 15, Section 1241, and equal to the Recommended Dietary Allowances (RDA) required 2900 Kcal per day. See attached menu for specific daily servings.

There is no disciplinary isolation diet permitted in the San Fernando Police Deatention Facility in keeping with the short-term nature of the detention facility.

Inmates requiring a therapeutic diet shall be transported to the appropriate Los Angeles County Jail facility as soon as practical to facilitate their specific needs.

C. Food Service Plan

In accordance with the specifications outlined in the State of California Title 15 of the Board of State and Community Corrections, section 1241 outlines the minimum diet requirements for inmates. The minimum diet provided shall be based upon the nutritional and caloric requirements found in the 2011 Dietary Reference Intakes (DRI) of the Food and Nutrition Board, Institute of Medicine of the National Academies, the 2008 California Daily Food Guide, and the 2010 Dietary Guidelines for Americans. Facilities electing to provide vegetarian diets, and facilities that provide religious diets, shall also conform to these nutritional standards. The nutritional requirements for the minimum diet are specified in the following subsections. A daily or weekly average of the food group's requirement is acceptable. A wide variety of food should be

served.

A) Protein Group. Includes beef, veal, lamb, pork, poultry, fish, eggs, cooked dry beans, peas, lentils, nuts, peanut butter and textured vegetable protein (TVP). One serving equals 14 grams or more of protein; the daily requirements shall be equal to three servings (a total of 42 grams per day or 294 grams per week). In addition, there shall be a requirement to serve a fourth serving from the legumes three days a week.

B) Dairy Group. Includes milk (fluid, evaporated or dry; nonfat, 1% or 2% reduced fat, etc.); cheese (cottage, cheddar, etc.); yogurt; ice cream or ice milk; and pudding. A serving is equivalent to 8 oz. of fluid milk and provides at least 250 mg. of calcium. All milk shall be pasteurized and fortified with Vitamins A and D. The daily requirement is three servings. One serving can be from a fortified food containing at least 250 mg. of calcium. For persons 15-17 years of age, or pregnant and lactating women, the requirement is four servings of milk or milk products.

C) Vegetable-Fruit Group. Includes fresh, frozen, dried and canned vegetables and fruits. One serving equals: ½ cup vegetable or fruit; 6 ounces of 100% juice; 1 medium apple, orange, banana, or potato; ½ grapefruit; or ¼ cup dried fruit. The daily requirement of fruits and vegetables shall be five servings. At least one serving shall be from each of the following three categories:

(1) One serving of a fresh fruit or vegetable per day, or seven (7) servings per week.

(2) One serving of a Vitamin C source containing 30 mg. or more per day or seven (7) servings per week.

(3) One serving of a Vitamin A source, fruit or vegetable, containing 200 micrograms Retional Equivalents (RE) or more per day, or seven servings per week.

(D) Grain Group. Includes bread, rolls, pancakes, sweet rolls, ready-to-eat cereals, cooked cereals, corn bread, pasta, rice, tortillas, etc. and any food item containing whole or enriched grains.

At least three servings from this group must be made with some whole grains. The daily requirements shall be a minimum of six servings.

Providing only the minimum servings outlined in this regulation is not sufficient to meet the inmates' caloric requirements. Additional servings from the dairy, vegetable-fruit, and bread-cereal groups must be provided in amounts to meet caloric requirements. In keeping with chronic disease prevention goals, total dietary fat should not exceed 30 percent of total calories on a weekly basis. Fat shall be added only in minimum amounts necessary to make the diet palatable.

POLICY:

Adult Inmate and Juvenile Inmate meals

In accordance with State of California Title 15 of the Board of State and Community Corrections, this Agency shall ensure Adult and Juvenile Inmates in the custody of the San Fernando Police Departments shall be fed accordingly and within a timely manner. Proper procedures shall be followed and documentation completed when meals are prepared and delivered to inmates.

PROCEDURE:

The following procedures shall be followed when preparing adult and juvenile meals:

Jailers' responsibility:

1) WASH HANDS (MINIMUM 15 SECONDS UNDER WARM WATER)

2) TURN OVEN ON BY DEPRESSING ON SWITCH

3) TURN FAN ON HIGH

4) TURN TEMPERATURE DIAL TO 350 DEGREES

5) PREHEAT OVEN UNTIL ORANGE INDICATOR LIGHTS TURNS OFF

6) PUT ON SAFETY EQUIPMENT (OVEN MITTS)

7) PLACE INMATE MEALS ONTO A COOKING TRAY AND PLACE INMATE MEALS INTO THE OVEN (DO NOT PLACE TRAY ON THE BOTTOM RACK AS THIS WILL BLOCK THE AIRFLOW).

8) ONCE MEALS ARE IN OVEN SET TIMER ACCORDINGLY DEPENDING ON THE MEAL TO BE SERVED. MEAL SHOULD BE PARTIALLY IF NOT COMPLETELY DEFROSTED. (BREAKFAST 30 MINUTES, LUNCH 40 MINUTES, DINNER 30 MINUTES)

9) WASH HANDS (MINIMUM 15 SECONDS UNDER WARM WATER)

10) ONCE TIMER GOES OFF, PUT ON SAFETY EQUIPMENT (OVEN MITTS), REMOVE MEALS AND USE THERMOMETER TO TAKE TEMPERATURE OF MEALS PREPARED. LET MEALS STAND FOR APPROXIMATELY 5 MINUTES TO COOL DOWN. PLACE OVEN ON COOL WITH DOORS OPEN TO ALLOW OVEN TO COOL DOWN. (DO NOT REMOVE THE PLASTIC ON THE INMATE MEALS, LET THE INMATE HANDLE THIS).

11) PLACE COOKED MEALS ON MEAL TRAYS/CART FOR TRANSPORT TO THE JAIL

12) TURN OVEN OFF AND MAKE SURE TEMPERATURE DIAL IS SET BACK TO 0.

13) ONCE IN THE JAIL SERVE TO INMATES.

14) IF A JUVENILE MEAL IS TO BE SERVED ADD AN ADDITIONAL MILK AND SNACK (COOKIES, APPLE DESSERT BAR, ETC.)

SECTION 1 - PLANNING MENUS

A. Weekly Menus

The weekly menu shall be provided by the LASD (Los Angeles Sheriff's Department) Food Services in accordance with Title 15, Article 12 Food, State Code of Regulation defines the minimum diet standard for local adult detention facilities.

Each inmate shall be provided a wholesome, nutritionally balanced diet. Nutrition levels shall meet the Recommended Dietary Allowances and Dietary Reference Intakes as established by the Food and Nutrition Board of the Institute of Medicine, National Academy of Science.

Inmates shall be provided three meals each day, one of which shall be served hot and two cold per Title 15. Variations to the hot meal per day requirement may be allowed to accommodate religious observances, religious meal programs, and institution emergencies. The breakfast meal shall be served not more than 14 hours following the previous day's evening meal.

Menus in the San Fernando Police Department Jail shall be planned at least one month in advance of their use. Menus shall be planned to provide a variety of foods, thus preventing repetitive meals. Menus shall be approved by a registered dietitian from LASD Food Services prior to being used. If any meal served varies from the planned menus, the change shall be noted in writing on the menu and/or production sheet.

Review of the meal plan including changes shall be evaluated by a registered dietitian at least annually.

Attached are the weekly menu, nutritional summary, nutrient analysis, and menu report to follow this section.

SECTION 2 - PURCHASING & RECEIPT

A. Purchasing food

In accordance with Title 15 and the California Retail Food Code (CalCode) all foods shall be obtained from sources that comply with all applicable laws. The following vendor shall be used:

Los Angeles Sheriffs Department Food Services Unit
Central Kitchen CRDF

Contacts:

Benson Li, Manager (213) 893-5866 or (213) 247-4667
Joe Badali, Lieutenant (213) 893-5009
Jimmy Ledesma, Asst. Manager (323) 568-4572
Ralph Serrano, Head Cook (323) 568-4571

Attached is the "Meal Order Form" which must be sent by email to FoodServicesMonrovia@ lasd.org or faxed to (323) 568-4713

B. Receipt of food

Food shall be inspected as soon as practical upon receipt to any use or storage by the on duty Jailer. Food shall be accepted only if the inspection conducted upon receipt determines that the food satisfies the following:

1. Food was prepared by the approved sources
2. It was received in a wholesome condition
3. It was received in packages that are in good condition and that protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.
4. Food is in containers and on pallets that are not infested with vermin or otherwise contaminated.

C. Recall of Food Products

From time to time products may be contaminated with bacteria or other harmful substances. The following shall apply to the recall of such foods:

Los Angeles County Sheriff's Department (LASD) subscribed to the USDA/FDA recall notices. Once there is a food product on the recall list, LASD will receive a notice. LASD will check the list against their inventory. They have made up the proportion trays with cook chill items that they have cooked to 180 degrees above following the HACCP plan. The products are chilled to below 41 degrees and stored in a deep chill cooler for product safety. LASD food buyers will verify with our vendors if there is a known recall to ensure food safety for all parties. If an item in their ingredient is under recall, all prepared items will not be used and they will notify the health department immediately.

It is the policy of LASD to maintain a sample of each cook and chill product. LASD will send the sample for product testing if there is any doubt about the food safety of that product. If LASD received any of the recalled products, that product will be wrapped and put aside in a designated area to be returned to the vendor.

If LASD has distributed the items to the City and Sheriff's Jails that have been recalled, LASD will notify concerned parties immediately. The jails will also be instructed to take appropriate actions to the recalled products.

During massive recalled by USDA or FDA, LASD will verify with the vendor insuring the existing inventory is not on the recall list. The Health

Department and all jails will be notified of such results that their product is involved in the active recall.

Any questions about the products that Los Angeles Sheriff's Department produced or distributed please direct questions to:

Benson Li, Manager
Los Angeles Sheriff's Food Service Unit
(213) 893-5109 or e-mail BPLi@lasd.org

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

Inmate Safety Check Special Order (1).pdf

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NUMBER: 2011- 006
DATE: July 5, 2011

SPECIAL ORDER

Supervision of Prisoners

In order to enhance the Department's existing policy of hourly safety checks (required per Title 15, section 1027) as noted in the City of San Fernando Police Manual sections 4.102.02 (NUMBER OF PERSONNEL) and 4-102.05 (FIRE SUPPRESSION PREPLANNING, section F. Routine Safety Checks), the following policy and procedure shall be in effect as of the date of this Special Order:

POLICY:

Supervision of Prisoners

All prisoners, with the exception of intoxicated prisoners, shall be visually checked no less than once every hour. Intoxicated prisoners shall be checked at least once every half-hour. This safety check will be conducted through direct visual observation without the aid of surveillance cameras. The designated employee responsible for the safety check will complete the required information on the San Fernando Police Department Inmate Safety Check Log which will be affixed to the individual inmate's cell. No male shall enter the female quarters if a female is in custody unless accompanied by a female employee, absent exigent circumstances and/or normal booking procedures.

Per Title 15, section 1006, titled "Definitions", the following definitions shall apply:

> "Direct visual observation" means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.
>
> "Safety checks" means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.

PROCEDURE:

The following procedure should be followed:

Arresting/Booking Officer Responsibility:

After the inmate has entered the detention facility, the arresting officer shall complete a San Fernando Police Department Inmate Safety Check Log.

After completion of the booking process, the booking officer should place the inmate in an appropriate cell, pursuant to section 4-203 of the San Fernando Police Manual titled, CLASSIFICATION AND SEGREGATION.

Once secured inside of the cell, the Inmate Safety Check Log should be affixed to the exterior of the cell with the magnet provided. The booking officer shall indicate his/her name, the time that the inmate was secured inside of the cell, and any relevant comments in the appropriate sections on the Inmate Safety Check Log.

The responsible employee shall notify the on-duty Desk Officer/Jailer of the inmate and respective cell number as indicated on the booking hard card.

Desk Officer/Jailer Responsibility:

The Desk Officer/Jailer shall note the incoming inmate on the standard Detention Facility Log located in Dispatch, and maintain an accurate inmate count, pursuant to section 4.205.04 (PHYSICAL SECURITY), subsection A (Physical Count of Inmates).

The Desk Officer/Jailer, or assigned designee, shall conduct hourly safety checks of the inmate and document their name, time, and any comments on the Inmate Safety Check Log.

Inmate Transfer from Facility:

When the inmate is transferred out of the detention facility, the responsible employee shall note their name, the time of transfer and the appropriate comment (released, transferred to court, etc…) on the Inmate Safety Check Log. The responsible employee shall advise the on-duty Desk Officer/Jailer of the transferred inmate. The on-duty Desk Officer/Jailer shall document the transferred inmate on the Detention Facility Log in order to maintain an accurate inmate count.

The on-duty Desk Officer/Jailer shall forward the completed log to the on-duty Watch Commander for supervisory approval. The completed Inmate Safety Check Log shall be placed in the Records bin located in Dispatch.

Records Division Responsibility:

The original Inmate Safety Check Log shall be collected and maintained in the Annual Detention Facility Log housed in Records Division. This log shall be maintained for a period consistent with the Government Code pertaining to records retention.

4-303 Discipline.pdf

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4.303.01 DISCIPLINE

Due to the short-term nature of confinement in the San Fernando Detention Facility, there is no discipline program required.

4.303.02 DISCIPLINARY PROBLEMS REPORTED

All personnel are required to report all disciplinary matters immediately to the Watch Commander.

4.303.03 WATCH COMMANDER RESPONSIBILITY

Watch Commanders should consider the "Inmate Classification Plan" when considering the appropriate action to take regarding inmates prone to escape,

assault staff or other inmates; disrupt the operations of the detention facility, or likely to need protection from other inmates.

4.303.04 DESTRUCTION OF JAIL

In the event of Penal Code Section 4600 violations, (Demolishing Prisons and Jails) the observing officer is required to file a crime report, which should be filed with the court for such further legal action as may be warranted under the circumstances.

4.303.05 NO CORRECTIVE ACTIONS BY PRISONERS

No person who is an inmate in the San Fernando Detention Facility, nor any group of inmates, shall be allowed to administer, perform or inflict any form of discipline, punishment or corrective action on any other inmate or group of inmates under any circumstances (Penal Code Section 4019.5).

4.303.06 NO DISCIPLINE, ETC.

No person employed by the City of San Fernando, nor any group of persons, shall be allowed to administer, perform or inflict any discipline, punishment or corrective action on any person or any group of persons while in custody of the San Fernando Police Department or detained in the detention facility.

1. Punishment Defined. The forms of punishment referred to in this section include corporal punishment, denial of privileges and mental stress.

4.303.07 RECOVERY OF DAMAGES

Nothing in this section shall preclude the recovery of damages to the facility caused by violations of Penal Code Section 4600.

Nothing in this section shall preclude the recovery of damages by any employee of the City of San Fernando for personal injuries sustained in the course of

performance of their detention facility duties.

4.303.08 FACILITY SECURITY

None of the limitations in this section should be construed to prohibit the right of custodial personnel or the Watch Commander to take such action with any inmate or group of inmates as may be necessary to provide for the security of the facility and safety of all persons therein.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-203 Classification and Segregation.pdf

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4-203
CLASSIFICATION AND SEGREGATION

4.203.01 CLASSIFICATION

The San Fernando Detention Facility has a capacity of 17 inmates. Cell capacities are as follows:

Cell #35 1 inmate	Cell #36 1 inmate	Cell #37 1 inmate
Cell #39 1 inmate	Cell #40 1 inmate	Cell #41 1 inmate
Cell #48 1 inmate	Cell #49 1 inmate	Cell #50 1 inmate
Cell #54 4 inmates	Sobering Cell #55 4 inmates	

Booking personnel and jailers shall assign most inmates to a single inmate cell. No more than four inmates shall be placed in the Sobering Cell at any one time. Although normally reserved for court ordered inmates, Cell #54 may be used for housing other inmates with approval of the Watch Commander. These inmates shall be restricted to the inner portion of cell #54, excluded from direct access to the shower and television facilities.

Booking personnel and jailers shall consider the following criteria to the extent possible within the physical confines of the detention facility when assigning inmates to housing units:

- Seriousness of Crime Charged-generally inmates arrested for felony crimes shall be housed in single inmate cells with exception of the inmates housed in the Sobering Cell due to the state of their intoxication;
- Criminal Sophistication- generally inmates with lengthy criminal histories

should be housed in single inmate cells.

- Age-generally younger and older adult inmates shall not be placed in cells where they may be taken advantage of by older/stronger inmates.

- Gang Affiliation-Gang Members, affiliates or those suspected of gang membership or affiliation shall be housed in single inmate cells.

- Assaultive Behavior- inmates who display behavior which results in the destruction of property or reveal an intent to cause physical harm to self or others shall be housed in single inmate cells.

- Codefendants- generally codefendants shall be housed in separate housing units.

- Child Abusers/Sex Crimes- generally inmates arrested for child abuse and/or sex crimes are at risk of attack by other inmates and shall be housed in single cells.

- Females-females are to be housed in the west portion of the detention facility (Cells #49, #50, #55 and Sobering Cell) only. There shall be no male inmates housed in that portion of the facility at the same time and the hallway door should remain closed limiting all contact and communication between inmates of the opposite sex. Females are not generally detained at the San Fernando Police Detention Facility any longer than is necessary to complete the booking and investigation processes. Female inmates are not to be housed at the San Fernando Detention Facility more than 16 hours.

- Sobering Cell- if an inmate is intoxicated (under the influence of alcohol or other drugs) and is to sober up, or come down from a high, while being detained the inmate will be placed in the Sobering Cell. The sobering cell is used only for holding inmates who are a threat to their own safety or the safety of others due to their state of intoxication. Monitoring of such inmates will be performed once every half-hour or more frequently as indicated and shall be documented on the Department's "Sobering

Assessment Form." Monitoring shall include a personal visual inspection.

- Observe the inmates breathing to determine that breathing is regular, not erratic and difficult.

- Attempt arousal to obtain inmates verbal response reaction to verbal or other stimulus.

Such inmates shall be removed from the sobering cell, as they are able to continue in the processing. In no case shall an inmate remain in the sobering cell over six hours without an evaluation by custody staff. Watch Commanders shall be advised by booking personnel of inmates placed into the sobering cell. Watch commanders shall review and initial the Sobering Assessment Form after both the initial and the second or any subsequent examination of the inmate.

- **Inmates Who Do Not Respond**

Any inmate having symptoms suggestive of deepening coma, increasing difficulty to arouse, or inability to arouse with irregular breathing, or convulsions, should be considered an emergency.

Fire Department Rescue Personnel should be summoned and the inmate transferred to a medical facility as soon as possible."

The above criteria shall also be considered when assigning housing units within direct visual or auditory range to the extent possible within the physical confines of the detention facility. All classification information shall be clearly written across the front of the booking slip.

4.203.02 SEGREGATION

The following inmates shall not be housed at the San Fernando Detention Facility, but should be transported to the appropriate County Jail facility following normal booking procedures and upon approval of the Watch Commander. Arresting and/or booking officers and jailers are responsible for noting in writing

on the Medical Questionnaire any disease, or other unusual physical condition made aware of and/or observed during the search of the inmate. They shall immediately report this information to the Watch Commander.

A. Communicable Diseases

All inmates with communicable diseases are to be segregated in a single cell as far away from other inmates as practical until transportation to an appropriate County Jail or medical facility. The booking officer will verbally inquire at the time of booking via "Inmate Medical Questionnaire" whether the inmate is suffering from any communicable disease as specified on the form including Tuberculosis, Hepatitis, active venereal diseases, Acquired Immune Deficiency Syndrome (AIDS), and MRSA (skin lesions, open lesions, etc.) and other contagious disease conditions. Upon observation, cvover small lesions with a banadage and segregate. For large lesions, or open wounds, cover the wound and transport to a medical facility and receive booking approval prior to placement in a jail cell.

B. Mentally Disordered Prisoners

Mentally Disordered Inmates or an inmate with history of attempt suicide shall not be housed at the San Fernando Detention Facility. If a physician's opinion is not readily available, an inmate shall be considered mentally disordered for the purpose of this section if he or she appears to be a danger to himself/herself or others or if he/she appears gravely disabled

Once the booking officer has determined that the inmate is possibly mentally disordered or has a history of attempted suicide, the officer shall immediately notify the Watch Commander of the inmate's mental condition.

The Watch Commander will then determine if the inmate shall be transported to a Los Angeles County Jail facility or mental health facility. If released, the person will be released to a responsible adult, guardian, or

regional center employee.

Statutory authorization for transfer to a 72-hour treatment facility is contained in Penal Code Section 4011.6. The method of transportation, be it a police car or local ambulance will be at the discretion of the Watch Commander.

The Watch Commander shall arrange for adequate security and safety of the inmate. During the period that the inmate is in the San Fernando Detention Facility, he/she should remain in the booking cell.

C. Postpartum Psychosis Screening

An additional mental health screening will be performed on women who have given birth within the past year and are charged with murder or attempted murder of their infants.

If the inmate falls in the above category the Watch Commander shall be notified and the inmate transported immediately to the appropriate Los Angeles County Jail facility for screening postpartum psychosis.

D. Administrative Segregation for Violent Inmates

Inmates determined by the booking officer or jailer to be prone to: escape, assault staff or other inmates; disrupt the operations of the detention facility, or likely to need protection from other inmates, shall be segregated in a single cell as far away from other inmates as practical until transported to a Los Angeles County Jail facility. There should be no deprivation of any privileges unless necessary to obtain the objective of protecting the inmates and staff.

The jailer should immediately notify the Watch Commander as to the existence of such situations.

E. Law Enforcement Personnel

Law enforcement officers (current and former) should be segregated in a

single cell as far away from other inmates as practical until transportation to County Jail. Los Angeles County Jail maintains segregated facilities for Law Enforcement Officers who are arrested.

F. Specific Conditions

The booking officer is required to inquire as to the existence of specific medical conditions or special medical problems. Any specific medical conditions or special medical problems should be brought to the attention of the Watch Commander.

Persons with medical conditions or illnesses requiring frequent medication: Diabetes, Epilepsy, heart conditions, etc should not be housed at the San Fernando Detention Facility. These inmates shall be transported to the appropriate Los Angeles County Jail facility absent the need for emergency medical services.

G. PCP or Mind Altering Drugs.

The Watch Commander should decide whether to transport these individuals to a Los Angeles County Jail facility. Watch Commanders should consider whether the following circumstances exist when considering transporting or not:

- The inmate's actions consist of outbursts, or a constant level of wild, frenzied, unruly or violent behavior.
- The inmate represents a continuing danger to himself/herself and others.
- There is little or no possibility of safely booking and controlling the inmate at the station.
- The inmate has no serious injuries (injured prisoners will be taken to Los Angeles County Medical Center).

H. Safety Cell

The San Fernando Detention Facility maintains no safety room facilities.

All inmates exhibiting symptoms of violent or potentially violent behavior likely to be dangerous to themselves or others are to be isolated from other prisoners and removed to another detention or medical facility as soon as practical.

The Jailer should immediately notify the Watch Commander as to the existence of such situations.

I. Developmentally Disabled Inmates

Arresting and/or booking personnel and jailers shall immediately notify the Watch Commander of any inmate they suspect of being developmentally disabled. The Watch Commander shall contact the local Los Angeles County Regional Center for the purpose of diagnosis and/or treatment within 24 hours of such determination, excluding holidays and weekends.

For the purpose of this section, Developmentally Disabled shall have the same meaning as *Dependant Adult* pursuant to Penal Code Section 288 (f) (3): "Dependant adult" means any person 18 years of age or older who has a mental disability or disorder that restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have developmental disabilities, persons whose mental abilities have significantly diminished because of age."

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-813 Juvenile Coordinator.pdf

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4-813
JUVENILE COORDINATOR

4.813.01 JUVENILE COORDINATOR

The Detective Division Commander is designated as the Juvenile Coordinator. The Juvenile Coordinator will facilitate communication and coordination between

this Department and the Juvenile Division of the Office of the District Attorney. The intent of this section is to assign one person to handle all communications flow and to interface with outside agencies regarding juvenile matters.

A. Requests For Further Information

When a Request for Further Information is received from the District Attorney's Office it should be forwarded to the Detective Division Commander, who should ensure that follow-up action is taken to expedite the response when appropriate.

Upon receipt of the Request for Further Information, the person receiving the request involved (generally Records or Property personnel; sometimes the arresting officer) should take the requested action and forward that information to the Detective Division Commander.

B. File Retention

The Detective Division Commander should ensure Department files are updated to reflect the additional information presented to the District Attorney's Office.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-805 Care of Minors in Temporary Custody.pdf

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4-805
CARE OF MINORS HELD IN TEMPORARY CUSTODY

4.805.01 TEMPORARY CUSTODY

These procedures apply to minors taken into temporary custody by a peace officer, on the basis that they are a person described by Section 602 of the Welfare and Institutions Code. These minors may be held in secure detention or non-secure custody within the San Fernando Police Facility provided the standards set forth by the California State Board of Corrections are met.

4.805.02 CARE OF MINORS

A. The following shall be made available to all minors held in temporary custody:

1. access to toilets and washing facilities;

2. one snack upon request during term of temporary custody if the minor has not eaten within the past four (4) hours or is otherwise in need of nourishment. A full meal consistent with the time of day should be ordered from the contract facility in this case;

3. access to drinking water; and,

4. privacy during consultation with family, guardian, and/or lawyer.

B. In addition to the above, minors placed in locked rooms shall be:

1. provided blankets and clothing, as necessary, to assure the comfort of the minor; and,

2. permitted to retain and wear his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence of an offense.

C. The arresting officer shall remain responsible for the supervision and care of the minor unless properly relieved of this responsibility by the jailer or Watch Commander.

ROBERT R. ORDELHEIDE

January 1, 2009
Date

4-807 Secure dention of Minors.pdf

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Chief of Police

4-807
SECURE DETENTION

4.807.01 DECISION ON SECURE DETENTION

A minor taken into temporary custody by a peace officer on the basis that he or she is a person described in Section 602 of the Welfare and Institutions Code may be held in secure detention in a law enforcement facility that contains a lockup for adults if the minor is 14 years of age or older and if, in the reasonable belief of the peace officer, the minor presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth in these procedures are met. Any minor in temporary custody who is less than 14 years of age, or who does not in the reasonable belief of the peace officer present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions set forth in these procedures are met.

In making the determination whether a minor presents a security risk of harm to self or others, the officer may take into account the following factors:

A. age, maturity, and delinquent history of the minor;

B. severity of offense(s) for which the minor was taken into custody;

C. minor's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;

D. availability of staff to provide adequate supervision or protection of the

minor; and,

E. the age, type, and number of other individuals who are detained in the facility.

4.807.02 CONDITIONS OF SECURE DETENTION AND NON-SECURE CUSTODY

While in secure detention, minors may be locked in a room or other secure enclosure, or otherwise reasonably restrained as necessary to prevent escape and protect the minor and others from harm. Minors shall not be secured to a cuffing rail or other stationary object.

Contact between adult inmates and minors who are in either secure detention or non-secure custody in the police facility shall be restricted as follows:

A. no communication between minors and adult inmates is allowed;

B. if an adult inmate is present in the same room or area, the officers having control over the adult and minor, shall maintain a constant side by side presence of each to assure there is no communication between the minor and adult inmate. Situations in which a minor and an adult inmate may be in the same room or corridor shall be limited to the following:

1. booking;

2. medical screening;

3. movement of persons in custody within the facility.

4.807.03 SEGREGATION OF MINORS IN TEMPORARY DETENTION

Juveniles in custody under Section 602 WIC shall not be allowed to come in contact with juveniles in custody under Sections 300 (Abused Minors) or 601

(refusal to obey orders of parents, violation of curfew, or truancy) WIC.

4.807.04 SUPERVISION OF MINORS HELD INSIDE A LOCKED ENCLOSURE

A. Minors shall receive adequate supervision which, at a minimum, includes:

1. constant auditory access to staff by the minor; and,

2. unscheduled personal visual supervision of the minor by the arresting officer or jailer, no less than every 30 minutes, which shall be documented on the Secure Detention Log. The arresting officer shall remain responsible for the supervision of the minor unless properly relieved of this responsibility by the jailer or Watch Commander

B. Males and females shall not be placed in the same locked room.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-803 Non Detained Minors.pdf

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4-803
NON-DETAINED MINORS

4.803.01 NON-DETAINED MINORS

In January 1998, Assembly Bill 1105 took effect. The new law, Welfare and Institutions Code Section 660.5, mandated procedures for the release on notice to appear of all non-detained minors whether their appearance is for Traffic Court (Informal Juvenile and Traffic Court) or Delinquency Court. "Non-detained" refers to minors who are not transferred to the custody of the Probation Department and are otherwise released after arrest.

4.803.02 JUVENILE COURT

A. Informal Juvenile and Traffic Court

Minors arrested for an offense listed within Welfare and Institutions Code Section 256, paragraphs (1) to (15) inclusive, should be released upon a notice to appear before the Informal Juvenile and Traffic Court. The minor's parent or guardian are required to appear upon a notice to appear before the same court.

Welfare and Institutions Code Section 256:

1. Any violation of the Vehicle Code not declared to be a felony (Excluding Section 23152).

2. A violation of subdivision (m) of Section 602 of the Penal Code.

3. A violation of the Fish and Game Code not declared to be a felony.

4. A violation of any of the equipment provisions of the Harbors and

Navigation Code or the vessel registration provisions of the Vehicle Code.

5. A violation of any provision of state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system, as defined by Section 99211 of the Public Utilities Code.

6. A violation of Section 27176 of the Streets and Highways Code.

7. A violation of Section 640 or 640a of the Penal Code.

8. A violation of the rules and regulations established pursuant to Sections 5003 and 5008 of the Public Resources Code.

9. A violation of Section 33211.6 of the Public Resources Code.

10. A violation of Section 25658, 25658.5, 25661, or 25662 of the Business and Professions Code.

11. A violation of subdivision (f) of Section 647 of the Penal Code.

12. A misdemeanor violation of Section 594 of the Penal Code, involving defacing property with paint or any other liquid.

13. A violation of subdivision (b), (d), or (e) of Section 594.1 of the Penal Code.

14. A violation of subdivision (b) of Section 11357 of the Health and Safety Code.

15. Any infraction.

Exception: Minors on a Welfare and Institutions Code Section 602 Probation Grant ("On Probation") are not eligible for Informal Juvenile and Traffic Court even if the offense falls within the informal court jurisdiction.

B. Juvenile Delinquency Court

Non-detained minors arrested for felony or misdemeanor offenses or minors arrested for any criminal offense when the minor is on a grant of probation from the juvenile court, should be released on a notice to appear before the Juvenile Delinquency Court. The minor's parent or guardian are required to appear upon a notice to appear before the same court.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

Ribbons Policy Modified.pdf

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SAN FERNANDO POLICE DEPARTMENT

WEARING OF MEDALS, AWARDS, RIBBONS, AND ACCESSORIES

POLICY

It is the policy of the San Fernando Police Department to recognize Police Department employees for outstanding work or assistance in maintaining law and order throughout the City of San Fernando. Awards for Police Department employees shall be divided into five categories: Individual Decorations or Awards, Meritorious Unit Awards, Outstanding Achievement and Productivity Awards, Campaign Awards, and Military Service Awards.

The conferring of an award for bravery shall be in recognition of a single action performed by a Department employee. Several commendatory incidents of bravery, each being worthy of an award, will not qualify the employee for a higher award.

Officers will be permitted to wear duly earned awards on their Class A and Class B duty uniforms in accordance with the provisions set forth in this policy.

Nothing in this policy is intended to supersede the previous conferring of any awards or the right of an employee to wear those awards. The Chief of Police, at his/her discretion, may confer certain awards retroactively for events which he/she finds suitable for recognition.

DEFINITIONS

AWARDS

An award is any decoration, medal, badge, ribbon, or other attachment authorized to be worn by San Fernando Police Department employees. The different categories are as follows:

1. Individual Decoration or Award

    - Medal of Valor
    - Police Star
    - Purple Heart Medal
    - Meritorious Service Ribbon
    - Life Saving Award
    - Police Distinguished Service Ribbon
    - James D. Pollock Award for Investigative Excellence
    - Humanitarian Service Ribbon

2. Meritorious Unit Award

3. Outstanding Achievement and Productivity Award

    - 23152 CVC "Deuce" Award
    - 10851 CVC Award
    - 417 "Ace" Award
    - Larry W. Barnard Traffic Safety Officer of the Year Award

4. Campaign Award

    - Civil Disturbance Ribbon
    - Disaster Ribbon

5. Military Service Award

MEDAL
A hanging medal is a physical award issued to an individual to denote performance of certain duties, acts, or services, (i.e. Medal of Valor, Police Star). It consists of a suspension ribbon, made in distinctive colors, from which the medallion hangs.

RIBBON
A Ribbon is a portion of the suspension ribbon, separate from the hanging medal, which may be worn in place of the medal (i.e. Medal of Valor, Police Star). Some awards, such as Meritorious Service Ribbon, Campaign Ribbons, Military Service, Larry W. Barnard Traffic Safety Officer of the Year, 10851 CVC, and Deuce Award, are represented only by a ribbon.

RIBBON HOLDER
A Ribbon Holder is the backing that ribbons are mounted on.

RIBBON BAR
A Ribbon Bar is the completed unit after ribbons have been mounted on the Ribbon Holder.

The Ribbon Bar will be centered and placed flush or 1/8" above the top edge of the left breast pocket. If the employee's badge interferes with the wearing of the Ribbon Bar, the employee will adjust his/her badge position so that it rests slightly above the Ribbon Bar.

ACCESSORIES/ATTACHMENTS
An accessory or attachment is any device, such as a star, letter, number or clasp, worn on a ribbon.

PROCEDURE

RECOMMENDATION FOR AWARDS
A recommendation for the presentation of an award may start at any level within the Department. The recommendations will be forwarded to the Awards Committee for review and/or comment.

The Awards Committee will then present its recommendation to the Chief of Police. The Chief of Police will make the final decision on all award recommendations.

PRECEDENCE OF AWARDS

Awards are worn in order of their precedence on the Ribbon Bar, from top to bottom, and from the wearer's right to left. When Departmental ribbons are worn in conjunction with military ribbons and/or ribbons awarded by outside governmental agencies, the order of precedence is:

- United States Government awards
- Foreign Government awards
- State Government awards
- Department awards
- Other City Department awards

The seniority of colors according to traditional heraldry requires that blue, the senior color, be worn up and to the wearer's right.

MEDAL OF VALOR

The Medal of Valor is the Department's highest award and may be awarded to employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service.

The Medal of Valor may be awarded to:

- An employee who has performed an act displaying extreme courage while consciously facing imminent peril for the protection and safety of another.

- An employee who has given their life in the performance of their duties.

It is awarded and presented by the Chief of Police in the name of the Department at a Medal of Valor award ceremony.

This award shall be in the form of a hanging medal, cloth ribbon, and Medal of Valor pin. The hanging Medal of Valor will be worn around rating employee's neck, only on the appropriate Class A uniform. If the employee rating the Medal of Valor desires to wear the representing cloth ribbon in lieu of his/her hanging medal, he/she may do so. The ribbon consists of a dark blue field with vertical gold edges on each side, and a gold "V" accessory in the center. It will be placed in order of precedence on his/her Ribbon Bar. The hanging medal and representing cloth ribbon are for ceremonial purposes only.

When wearing the Class B uniform, the employee may display his/her Medal of Valor pin, but not his/her cloth ribbon or hanging medallion. The pin is comprised of a dark blue field with vertical gold edges on each side, and a gold "V" accessory in the center. The employee will wear this in lieu of his/her medal or ribbon. The pin is only to be displayed on the Class B

uniform. The pin will be centered between the top edge of the button and top edge of the pocket flap. The pin is constructed of metal in order to withstand an everyday work environment.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

MEDAL OF VALOR FROM OUTSIDE AGENCY

A Medal of Valor may be awarded from an outside agency, (i.e. Fire Department) to employees who distinguish themselves by conspicuous bravery or heroism above and beyond the normal demands of police service.

The Medal of Valor may be awarded to:

- An employee who has performed an act displaying extreme courage while consciously facing imminent peril for the protection and safety of another.

- An employee who has given their life in the performance of their duties.

It is awarded and presented by the outside agency (i.e. Fire Department) in the name of their Department at a Medal of Valor award ceremony.

This award shall normally be in the form of a hanging medal, cloth ribbon, and Medal of Valor pin. The hanging Medal of Valor will be worn around the rating employee's neck, only on the appropriate Class A uniform. If the employee rating the Medal of Valor desires to wear the representing cloth ribbon, in lieu of his/her hanging medal, he/she may do so. It will be placed in order of precedence on his/her Ribbon Bar. The hanging medal and representing cloth ribbon are for ceremonial purposes only.

When wearing the Class B uniform, the employee may display his/her Medal of Valor pin, but not his/her cloth ribbon or hanging medallion. The pin is only to be displayed on the Class B uniform. The pin will be centered between the top edge of the button and top edge of the pocket flap. The pin is normally constructed of metal in order to withstand an everyday work environment.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

POLICE STAR

The Police Star may be awarded to:

- Employees who distinguish themselves by bravery or heroism above and beyond the normal demands of duty, but to a lesser degree than required for the Medal of Valor.

- Employees who distinguish themselves by performing in stressful situations with exceptional tactics and/or extraordinary judgment.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award shall be in the form of a hanging medal, cloth ribbon, and Police Star pin. The hanging Police Star Medal will be worn around the rating employee's neck, only on the appropriate Class A uniform. If the employee rating the Police Star desires to wear the representing cloth ribbon, in lieu of the hanging Police Star, he/she may do so. The ribbon consists of a dark blue field and a 5/16" five-pointed gold star accessory, with the point facing up, in the center. The cloth ribbon will be worn on the Class A uniform only and will be placed on the rating employee's Ribbon Bar in order of precedence. The hanging medal and representing cloth ribbon are for ceremonial purposes only.

When wearing the Class B uniform, the rating employee may display his/her Police Star pin, but not his/her cloth ribbon or hanging medallion. The pin is comprised of a dark blue field, surrounded by gold trim and a gold five-pointed star, with the point facing up, in the center. The Police Star pin is only to be worn on the Class B uniform. The pin will be centered between the top edge of the button and top edge of the pocket flap. The pin is constructed of metal, in order to withstand an everyday work environment.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

NOTE: In a case where the employee rates both the Medal of Valor and Police Star, he/she may have the pins fused together in order of precedence to create a neater appearance.

If the employee also rates a 10851 Award and/or a "Deuce" Award, he/she will place the corresponding pin below the Medal of Valor/ Police Star pin display, on the left breast pocket flap. The 10851 and/or "Deuce" Award pin will be centered in the same manner as the Medal of Valor and Police Star pins.

PURPLE HEART MEDAL

The Purple Heart Medal may be awarded to:

- Officers of the Department who sustain traumatic physical injury at the hands of, or through the direct actions of, a suspect during any on-duty encounter.

- An employee who has given their life in the performance of their duties.

It is awarded and presented by the Chief of Police in the name of the Department at a Purple Heart award ceremony.

This award shall be in the form of a hanging medal, cloth ribbon, and Purple Heart pin. The hanging Purple Heart Medal will be worn around rating employee's neck, only on the appropriate Class A uniform. If the employee rating the Purple Heart Medal desires to wear the representing cloth ribbon in lieu of his/her hanging medal, he/she may do so. The ribbon consists of a dark purple field with vertical white edges on each side, and a vertical white stripe in the center. It will be placed in order of precedence on his/her Ribbon Bar. The hanging medal and representing cloth ribbon are for ceremonial purposes only.

When wearing the Class B uniform, the employee may display his/her Purple Heart pin, but not his/her cloth ribbon or hanging medallion. The pin is comprised of a dark purple field with vertical white edges on each side, and a vertical white stripe in the center. The pin is only to be displayed on the class "B" uniform. The pin will be centered between the top edge of the button and top edge of the pocket flap. The pin is constructed of metal in order to withstand an everyday work environment.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

Note: The Chief of Police may, at his/her discretion, award the Purple Heart Medal to civilian employees of the department under circumstances where the direct actions of a suspect led to the traumatic physical injury of the employee.

MERITORIOUS SERVICE RIBBON

A Meritorious Service Ribbon may be awarded to:

- Employees who perform a specific individual act of gallantry above and beyond the call of duty.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a solid gray field with a 3/16" five-pointed bronze star, with the point facing up, in the center. The bronze star indicates a first award. (Subsequent awards will be displayed in accordance with the policy for the specified award.) It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

MERITORIOUS UNIT AWARD

A Meritorious Unit Award may be awarded to:

- An operating unit or shift for outstanding performance in the line of duty. It may be awarded to those employees who were members of that unit or shift during the action or period of time specified in the award.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a blue background with three vertical white stripes, spaced and centered in the middle of the ribbon with a 3/16" five-pointed bronze star, with the point facing up, in the center. The bronze star indicates a first award. (Subsequent awards will be displayed in accordance with the policy for the specified award.) It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

LIFESAVING AWARD
The Lifesaving Award may be awarded to:

- Employees of the Department whose direct and immediate action results in the saving of one or more lives.

Note: The employee must perform direct, physical lifesaving measures, (i.e. CPR, carrying a victim to safety) in order to qualify for this award. An employee whose actions qualify for a higher ranking award may not also qualify for the Lifesaving Medal.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a blue and red field centered by a white cross. It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

POLICE DISTINGUISHED SERVICE RIBBON
The Police Distinguished Service Ribbon may be awarded to:

- An employee of the Department who has served the Department faithfully and with distinction. This may be awarded for a singular act or for the rating employee's cumulative years of service.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a green field with five vertical gold stripes evenly spaced. It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

JAMES D. POLLOCK AWARD FOR INVESTIGATIVE EXCELLENCE
The James D. Pollock Award for Investigative Excellence may be awarded to:

- An employee of this department serving in the primary capacity of an investigator who, either by virtue of one significant case or by his/her collective and cumulative efforts, demonstrates exceptional aptitude, tenacity and fortitude in the area of criminal investigations.

It is awarded and presented by the Chief of Police, or by the Detective Division Commander at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a black and purple field with a white, four-pointed diamond in the center. It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

HUMANITARIAN SERVICE RIBBON
The Humanitarian Service Ribbon may be awarded to:

- An employee of the Department who demonstrates extraordinary compassion, empathy, and service to the community, either through a singular act or through continued dedication to a particular concern.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of two maroon fields bordered by vertical gold stripes, with a vertical white field in the center. It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

RESERVE SERVICE RIBBON

The Reserve Service Ribbon may be awarded to:

- Any Reserve Police Officer who successfully completes one full year of service to the San Fernando Police Department.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a blue field with a vertical gold stripe flanked by two vertical red stripes in the center of the ribbon. Oak leaf clusters may be awarded for every subsequent five years of continuous service. It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

OUTSTANDING ACHIEVEMENT IN PRODUCTIVITY

An Outstanding Achievement in Productivity award can be any of the following five awards:

- The Traffic Safety Officer of the Year Award
- The "Deuce" Award for achieving benchmarks in impaired driving enforcement
- The 10851 CVC Award for achieving benchmarks in stolen vehicle recovery
- The 417 PC "Ace" Award for achieving benchmarks in firearms confiscation.
- The Larry W. Barnard Traffic Safety Officer of the Year Award for achieving specific benchmarks in traffic safety enforcement

LARRY W. BARNARD TRAFFIC SAFETY OFFICER OF THE YEAR AWARD

The Larry W. Barnard Traffic Safety Officer of the Year is awarded to an employee who has achieved a level of productivity surpassing all others in a calendar year for efforts in reducing traffic collisions in the City. This is accomplished by enforcing those statues that are the primary collision factors (PCF) of the majority of collisions. Those PCF violations are 21801(a) CVC, 22350 CVC, and 21453(a) CVC.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a green field with five evenly spaced vertical blue stripes. The bronze star indicates a first award. (Subsequent awards will be displayed in accordance with the policy for the specified award.) It will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

THE "DEUCE" AWARD

The "Deuce" Award is awarded to a department employee who has achieved a benchmark in the area of impaired driving enforcement. The benchmark, which is determined by the national organization of Mothers Against Drunk Driving, (M.A.D.D.) is based on the size of the police agency. Based on the size of the San Fernando Police Department, the criteria for the "Deuce" Award is 25 arrests per calendar year for violations of 23152 CVC, 23153 CVC, 23140 CVC, 23136 CVC, or 21200.5 CVC.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a brown field with gold vertical edges, with a 3/16" five-pointed bronze star, with the point facing up, in the center. The bronze star indicates a first award. (Subsequent awards will be displayed in accordance with the policy for the specified award.) The ribbon will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

When wearing the Class B uniform, the employee may display his/her "Deuce" Award pin, but not his/her cloth ribbon. The basic pin is comprised of a red field with a gold border. The pin is emblazoned with the numbers 23152, representing the vehicle code arrest section for DUI. The pin is only to be displayed on the Class B uniform. The pin will be centered between the top edge of the button and top edge of the pocket flap. The pin is constructed of metal in order to withstand an everyday work environment.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

THE 10851 CVC AWARD

The 10851 CVC award is awarded to a department employee who has achieved a benchmark in the area of stolen vehicle recovery. The benchmark, which is determined by the California Highway Patrol, (CHP) and the Automobile Association of America, (AAA) is based on the

number of stolen vehicle recoveries per calendar year. An officer must recover twelve stolen vehicles, three of which must be occupied and cleared by arrest.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a white field with two yellow vertical lines flanked by a blue vertical line on each side with a 3/16" five-pointed bronze star, with the point facing up, in the center. The bronze star indicates a first award. (Subsequent awards will be displayed in accordance with the policy for the specified award.) The ribbon will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

When wearing the Class B uniform, the employee may display his/her 10851 CVC pin, but not his/her cloth ribbon. The basic pin is comprised of a white field emblazoned with the word California and the numbers 10851, representing the vehicle code arrest section for auto theft. The pin is only to be displayed on the Class B uniform. The pin will be centered between the top edge of the button and top edge of the pocket flap. The pin is constructed of metal in order to withstand an everyday work environment.

There are three types of 10851 awards. They are as follows: 1. White Pins, given for the 1st through 4th awards only. 2. Blue Pins, Master Level Awards, given for the 5th, 10th, 15th, and 20th awards only. 3. Gold Pin, Lifetime Achievement Award, given for the 25th qualification.

The white and blue pins are fitted with a ribbon denoting the number of times an employee has earned that specific level award. The gold pin is fitted with a ribbon containing a jewel, and is a "one time" award. No pin is given for the 6th-9th, 11th-14th, 16th-19th, and 21st-24th award.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

THE "417 ACE" AWARD

The "417 ACE" Award is awarded to a department employee who has achieved a benchmark in the area of firearms confiscation. The benchmark, which has been determined by the management of the San Fernando Police Department, is based on the number of separate and distinct incidents in which firearms have been confiscated in the field. In order to be eligible for this award, an officer must seize, through observation and arrest, a total of five firearms during a 12-month calendar year.

The following criteria shall be used to clarify the eligibility for this award:

1. Each individual incident must be based on an officer's observation that results in an arrest, and a firearm must be seized

    a. The contact should stem from a proactive, self-initiated traffic stop, pedestrian contact, or follow-up investigation.

2. The firearm must meet the legal definition in accordance with 16520 et seq. PC and be operational at the time of seizure.

3. Multiple firearms seized during one incident count for only one incident.

4. Only the officer(s) who made the observations leading to the arrest and seizure will receive credit for the incident.

    a. The incident may involve a San Fernando Police Department officer on loan to another agency.

5. The Command Staff has the final authority to review and rule on a potential incident.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of an olive drab field with a silver 3/16" replica pistol attachment in the center of the ribbon. The silver replica pistol indicates a first award. (Subsequent awards will be displayed in accordance with the policy for the specified award.) The ribbon will be placed in order of precedence on the employee's Ribbon Bar. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

CIVIL DISTURBANCE RIBBON

A Civil Disturbance Ribbon may be awarded to:

- Employees whose participation in certain qualifying events required effort beyond the normal scope and practice of the employee's regular assignment. This award is specific to incidents of civil disturbance and may not be awarded for situations that do not involve such disturbances.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a purple and white background, with the colors adjoined in the middle. The last two numerical digits of the year that an event occurred will be placed in the center of the ribbon. The "92" numerical digits will be silver in color, representing the 1992 Riots. The ribbon will be placed in order of precedence on the employee's Ribbon Bar, with the purple edge closest to the wearer's right. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

DISASTER RIBBON
A Disaster Ribbon may be awarded to:

- Employees whose participation in certain qualifying events required effort beyond the normal scope and practice of the employee's regular assignment. This award is specific to incidents of natural or man-made disaster and may not be awarded for situations that do not involve such disasters.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a green and white background, with the colors adjoined in the middle. The last two numerical digits of the year that an event occurred will be placed in the center of the ribbon. The "94" numerical digits will be silver in color, representing the January 14, 1994 Northridge Earthquake. The ribbon will be placed in order of precedence on the employee's Ribbon Bar, with the green edge closest to the wearer's right. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

MILITARY SERVICE RIBBON
The Military Service Ribbon may be awarded to:

- Employees who have served in the United States Armed Forces, Armed Forces Reserves, or the state National Guard in a credible manner, and who were discharged honorably. Employees who were discharged under other than honorable conditions may not be awarded the Military Service Ribbon.

It is awarded and presented by the Chief of Police in the name of the Department at an appropriate ceremony.

The award does not have a hanging medal. It is represented by a cloth ribbon only, and will only be worn on the appropriate Class A uniform. The ribbon consists of a blue and red edge, with silver and white vertical stripes in the center. The ribbon will be placed in order of precedence on the employee's ribbon bar, with the blue edge closest to the wearer's right. The cloth ribbon is for ceremonial purposes only.

Copies of the commendation shall be placed in the employee's personnel file and shall remain for the duration of the employee's tenure.

SUBSEQUENT AWARDS

Stars are worn on the cloth ribbon, in place of a second or subsequent award for that indicated ribbon (i.e. receiving a second Meritorious Ribbon). For awards that do not already contain a star device, a 3/16" bronze star will be placed on the appropriate ribbon, in lieu of a second or subsequent award for that ribbon. If a certain ribbon has more than one star, they are to be placed symmetrically centered in a horizontal line, with one point facing up.

When an employee rates a fifth award, he/she will be issued a new ribbon that will display a 5/16" five-pointed silver star, centered on the cloth ribbon.

When an employee rates a sixth award, he/she will wear a bronze star to the wearer's left of the silver star on the corresponding ribbon.

Exceptions:

1. Medal of Valor and Police Star are issued a new ribbon for each act of bravery.

2. 417 Ace Award: An additional silver replica pistol will be added for the second award. At the third award, a new ribbon will be issued that will display a single gold replica pistol. When an employee rates a fourth award, he/she will wear a second or subsequent award ribbon.

3. The James D. Pollock Award for Investigative Excellence: Subsequent awards will be denoted by affixing a bronze clasp to the ribbon. A second award is indicated by one knot in the clasp. A third award is indicated by two knots in the clasp, etc.

Hate Crime Checklist.pdf

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HATE CRIME CHECKLIST

VICTIM

Victim Type:

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
(e.g., non-profit, private, public school)
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

Target of Crime (Check all that apply):

☐ Person ☐ Private property ☐ Public property

☐ Other _____

Nature of Crime (Check all that apply):

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

BIAS

Type of Bias
(Check all characteristics that apply):

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense *(e.g., 9/11, holy days)*
☐ Other: _____

Specify disability (be specific):

_____

_____

Actual or Perceived Bias – Victim's Statement:

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

If perceived, explain the circumstances in narrative portion of Report.

Reason for Bias:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No *Explain in narrative portion of Report.*

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No *Describe in narrative portion of Report.*

Bias Indicators (Check all that apply):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

Describe with exact detail in narrative portion of Report.

HISTORY

Relationship Between Suspect & Victim:

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
If Yes, describe in narrative portion of Report

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
If Yes, describe in narrative portion of Report
Type of order: _____ Order/Case# _____

WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

HATE CRIME CHECKLIST

Page _____ of _____

EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

OBSERVATIONS

VICTIM	SUSPECT
☐ Tattoos	☐ Tattoos
☐ Shaking	☐ Shaking
☐ Unresponsive	☐ Unresponsive
☐ Crying	☐ Crying
☐ Scared	☐ Scared
☐ Angry	☐ Angry
☐ Fearful	☐ Fearful
☐ Calm	☐ Calm
☐ Agitated	☐ Agitated
☐ Nervous	☐ Nervous
☐ Threatening	☐ Threatening
☐ Apologetic	☐ Apologetic
☐ Other observations: _____	☐ Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	☐ Yes	☐ No
Has suspect ever harmed you?	☐ Yes	☐ No
Does suspect possess or have access to a firearm?	☐ Yes	☐ No
Are you afraid for your safety?	☐ Yes	☐ No
Do you have any other information that may be helpful?	☐ Yes	☐ No

Resources offered at scene: ☐ Yes ☐ No Type: _____

MEDICAL

Victim	Suspect	
☐	☐	Declined medical treatment
☐	☐	Will seek own medical treatment
☐	☐	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

Paramedics at scene? ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

POST 05/19

Booking Fee Program Special Order (1).pdf

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NUMBER: 2012 - 0001
DATE: August 15, 2012

SPECIAL ORDER

In accordance with the specifications outlined in Government Code 29550.3 (a), "A city which books or processes persons to a jail administered by it and which does not otherwise incur an administrative fee from the county, may establish and collect an administrative fee from an arrested person." Actual administrative cost may include any one or more of the following as related to receiving an arrestee:

- The searching, wrist banding, issuance of personal hygiene items, laundering of bedding supplies, fingerprinting, photographing.
- Document preparation, retrieval, updating, filing, and court scheduling.
- Inventory and storage of an arrestee's property which includes currency, personal carry property, bulk property items such as bicycles and backpacks.
- The classification of the arrestee.

Our current booking fee of $135.00 was set by Judge James Simpson based on Los Angeles County our active participation with the LA County Sheriff's Booking System. The $135.00 fee was set upon the origination of the Booking Recovery Fee Program in 1997 and has not changed since such time.

The fees are broken down within several administrative cost variables that include but are not limited to the following estimated values:

Inventory and storage of an arrestee's property:	$ 23.50
Fingerprinting Photographing, Wrist banding:	$ 25.80
Document preparation, updating, filing:	$ 24.65
Classification, meals, court scheduling:	$ 61.20
Total:	$ 135.00

Pursuant to 29550.3 – 29551 of the California Government Code, booking fees can only be imposed to individuals whose arrest results in a conviction for any criminal offense related to the arrest, whether or not it is the offense for which the person was originally booked. The City that opts to receive funds pursuant to Section 29552 shall establish a "Local Detention Facility Revenue Account". These funds shall be used exclusively for

the purpose of operation, renovation, remodeling, or constructing local detention facilities and related equipment.

POLICY:

Billing of all arrestee's

In accordance with Government Code 29550.3 (a), this Agency shall bill all adult and juvenile arrestee's booked into the San Fernando Police Department Jail with the exception of individuals registered in the Court Commitment Program. Forms shall be issued at the time of booking by the Booking Officer and processed by the Records Bureau.

PROCEDURE:

The following procedure shall be followed:

Booking Officer Responsibility:

1. During the booking process, the *Notification of Booking Fee Form* (Attachment A) will be filled out. The form must include the following item:
   - Booking Number
   - DR Number
   - Date of Arrest
   - Charge(s)
   - Arrestee's Name
2. Notify arrestee of the bill they are receiving.
3. Make a photo copy, place original in the individual's property bag and the copy in the labeled bin for Records.

Records Bureau Responsibility:

1. Collect copies of Notification of Booking Fee Forms.
2. Maintain documents for record keeping and billing.
3. Receive payments and issue receipts.
4. Deposit payments at City Treasurer's Office to account #01-3725-0000.

4-301 Visiting.pdf

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4-300
INMATE PROGRAMS AND SERVICES

4.301.01 VISITING

A. Visitations Allowed

1. Sentenced Inmates

Sentenced Inmates (Parole Violators) shall be allowed no fewer than two visits totaling at least one hour per inmate each week. Each visit is limited to one visitor. One minor child of the inmate may accompany each responsible adult visitor.

2. Non-sentenced Inmates

Non-Sentenced Inmates (pre-arraignment) who are authorized to have visitors are allowed one visit per day, one calendar day after arrest. Each visit is limited to one visitor. One minor child of the inmate may accompany each responsible adult visitor.

B. Attorneys, Bail Bondsmen, and Physicians

This section does not affect department procedures relative to visitation of prisoners by attorneys, bail-bondsmen, and private physicians.

C. Visitation Period

Visitation periods will be from 1800 - 1900 hours daily. The length of time may be subject to the number of visitors.

D. Visitation Restriction/Denial

The concerned Investigating Officer should determine when visitation of an inmate is to be restricted. When there is no Investigating Officer, or the Investigating Officer is unavailable, the Watch Commander should determine if visitation should be restricted. Generally, inmate visitation rights are subject to denial or restriction if:

- Admittance of a particular visitor would threaten or compromise the security of the jail facility.

- Facts surrounding an investigation reasonably indicate that visitation by certain individuals will compromise the investigation.

1. Investigating Officer or Watch Commander Responsibilities.

   When the concerned Investigating Officer or Watch Commander determines that certain persons should not be allowed to visit an inmate, the Investigating Officer or Watch Commander should:

   a) Note the visitor restriction and the name of the restricted visitors on the Booking Report.

   b) Notify the dispatcher of the restriction, the name of the restricted visitors, and the name of the officer restricting the inmate's visitation.

2. Dispatcher (Jailer) Responsibilities.

   When the dispatcher is notified that a visitor restriction is required, either via the booking Report, or by the concerned Investigating Officer or Watch Commander, the dispatcher should:

   a) Print in red letters, "VR" on the hard card of the restricted inmate's booking report on the upper left hand corner; and

   b) Print in red letters, on the reverse side of the "Record of Visitors and Phone Calls" section, the following:

      VISITOR RESTRICTION

      - The date and time the restriction was initiated;
      - Any other comments that may be applicable to the restriction; and
      - The name of the officer who restricted visitation.

E. Visitation Requests

When notified that an individual requests to visit an inmate, the dispatcher (or assigned officer) should:

- Review the inmate's hard card for any visitor restriction.
- Verify the identity of all persons requesting permission to visit an inmate.
- Complete the Inmate Visitation Record.
- If visitation restriction is not indicated, visitation should be allowed pursuant to the posted visitation policy.
- If visitor restriction is indicated, the dispatcher should:

1. Determine if this visitor has been restricted from visiting the inmate.
2. If visitation is restricted for that visitor, advise the visitor only that visitation for that inmate has been restricted and the visitation will not be allowed. Visitors should be referred to the officer placing the restriction for any further information or explanation.

4.301.02 INMATE WRITTEN CORRESPONDENCE

A. Volume

There is no limitation on the volume of mail that an inmate may send or receive.

B. Reading Mail

Mail is not read except where there is a valid security reason to justify such action and the Support Services Commander approves.

C. Confidential Correspondence

1. Inmates may correspond, confidentially, with state and federal courts, any member of the State Bar or holder of public office, and the State Board of Corrections; however, such correspondence may be opened and inspected to search for contraband, cash, checks, or money orders and in the presence of the inmate.

2. Inmates may correspond, confidentially, with the Support Services Commander or Chief of Police.

D. Postage Free Correspondence

Those inmates who are without funds shall be permitted at least two postage-free letters each week to permit correspondence with family members and friends but without limitation on the number of postage-free letters to his or her attorney and to the courts.

4.301.03 RECREATION

Decks of playing cards are available upon request of an inmate.

4.301.04 BOOKS, NEWSPAPERS AND PERIODICALS

Copies of the Los Angeles Times and La Opinion will be available to interested inmates. The Watch Commander may put reasonable restrictions on the length of time that the inmate has the reading material to allow other prisoners access.

4.301.05 ACCESS TO TELEPHONE

Inmates shall be allowed reasonable access to telephone calls beyond those telephone call which are required by Penal Code Section 851.5. Generally these telephone calls will be during visiting hours (6:00-7:00 P.M. daily).

4.301.06 ACCESS TO THE COURTS AND COUNSEL

Inmates shall have access to the courts and to legal counsel. Such access shall consist of:

- Unlimited mail as provided above.
- Confidential consultation with attorneys.

4.301.07 INMATE ORIENTATION

All non-sentenced inmates shall be given a copy of the Department's Inmate Orientation Form to read at the time of placement in a cell. For inmates who are illiterate, and for persons with disabilities, facility staff should verbally instruct them regarding this information. This form includes the following information:

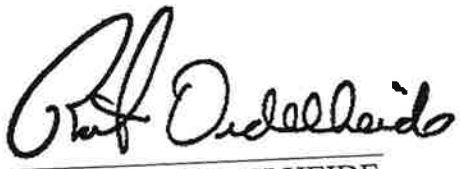
- rules and disciplinary procedures;
- visiting rules;
- availability of personal care items, opportunities for personal hygiene;
- availability of reading and recreational materials; and,
- medical/mental health procedures.

4.301.08 VOTING

As this facility does not house sentenced inmate workers, voting can only be available on an absentee ballot basis, prearranged by Court Commitment inmates on their own behalf.

4.301.09 RELIGIOUS OBSERVANCES

Religious consultation is available on a voluntary basis subject to the general visitation procedures, availability of staff and facility security.



ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-800 Juvenile Procedures.pdf

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4.801.01 CITE AND RELEASE

Minors arrested for an offense listed within Welfare and Institutions Code Section 256 may be released in the field (non-custodial arrest) upon a notice to appear before the Informal Juvenile and Traffic Court. The minor may still need to be released to a parent or guardian for care and adequate supervision, i.e., intoxicated minors, curfew violators, etc.

Note: The provisions of Penal Code Section 853.6 related to specific reasons for nonrelease upon a notice to appear of persons arrested for offenses declared to misdemeanors apply to minors as well as adults.

Welfare and Institutions Code Section 256:

1. Any violation of the Vehicle Code not declared to be a felony (Excluding Section 23152).

2. A violation of subdivision (m) of Section 602 of the Penal Code.

3. A violation of the Fish and Game Code not declared to be a felony.

4. A violation of any of the equipment provisions of the Harbors and Navigation Code or the vessel registration provisions of the Vehicle Code.

5. A violation of any provision of state or local law relating to traffic offenses, loitering or curfew, or evasion of fares on a public transportation system, as defined by Section 99211 of the Public Utilities Code.

6. A violation of Section 27176 of the Streets and Highways Code.

7. A violation of Section 640 or 640a of the Penal Code.

8. A violation of the rules and regulations established pursuant to Sections 5003 and 5008 of the Public Resources Code.

9. A violation of Section 33211.6 of the Public Resources Code.

10. A violation of Section 25658, 25658.5, 25661, or 25662 of the Business and Professions Code.

11. A violation of subdivision (f) of Section 647 of the Penal Code.

12. A misdemeanor violation of Section 594 of the Penal Code, involving defacing property with paint or any other liquid.

13. A violation of subdivision (b), (d), or (e) of Section 594.1 of the Penal Code.

14. A violation of subdivision (b) of Section 11357 of the Health and Safety

Code.

15. Any infraction.

Exception: Minors on a Welfare and Institutions Code Section 602 Probation Grant ("On Probation") are not eligible for Informal Juvenile and Traffic Court even if the offense falls within the informal court jurisdiction. Officers should request a "Probation Status" check from Communications on all minors before releasing them in the field on a notice to appear pursuant to this section.

4.801.02 PHYSICAL CUSTODY

Minors arrested for serious crimes, those ineligible for Informal Juvenile and Traffic Court, and those requiring care and control should be taken into physical custody.

4.801.03 TEMPORARY CUSTODY IN LAW ENFORCEMENT FACILITY

A minor may be securely detained, or held in non-secure custody, within a law enforcement facility that contains a lockup for the purpose of investigating the case, facilitating release of the minor to a parent or guardian, or arranging transfer of the minor to an appropriate juvenile facility. Minors may be detained in the police facility for a period that does not exceed six hours. Officers should attempt to notify the parent(s) or guardian(s) of a minor taken into temporary custody regardless if the minor is going to be released to the parent(s), guardian(s), or custody of the Probation Department.

4.801.04 INVESTIGATING THE CASE

Generally, this time period should be limited to the time necessary to determine the minor's true identity, book the minor, advise the minor of his or her rights including Miranda Rights, interview the minor, and notify the minor's parents or guardians of the minor's arrest and location.

A. Juvenile Advisement of Rights

Federal laws regarding Miranda Rights are the same for minors and adults; minors have no additional rights. However, Welfare and Institutions Code Section 625 require that in any case where a minor is taken into temporary custody on the ground that there is reasonable cause for believing that such minor is a person described in Section 601 or 602, or that he has violated an order of the juvenile court or escaped from any commitment ordered by the juvenile court, the officer shall advise such minor that anything he says can be used against him and shall advise him of his constitutional rights, including his right to remain silent, his right to have counsel present during any interrogation, and his right to have counsel appointed if he is unable to afford counsel.

B. Timing of Advisement

Welfare and Institutions Code Section 625 does not specify when a minor needs to be advised of these rights. The Los Angeles County District Attorney's Office has provided an opinion that the advisement of these rights should be contemporaneous with arrest, however, the officer need not seek a waiver or actually interview the minor at that time.

C. Interviewing Minors

If the interview is not contemporaneous with the actual arrest and advisement of Miranda Rights, the officer may need to re-advise the minor of his/her Miranda Rights at the time of the interview.

D. Waiver and Right to Parent's Presence

Minors can validly waive their Miranda Rights without a parent or other adult present. This is true even if the officer knows the parent(s) are present at the station and/or want to confer with the child (John S. (1988) 199 Cal. App. 3d 441, 4345). Parent(s) may not invoke the child's Miranda Rights. The test for the validity of the waiver is the same for minors as it is for adults.

1. Implied Waivers

An implied waiver needs to be proven; i.e., the officer needs to evaluate the facts, and circumstances to demonstrate that there is an implicit waiver and that it is voluntary.

E. Assertion of Rights

An assertion of the right to remain silent or the right to counsel are considered "per se" or "automatic" invocations of the minor's Miranda Rights.

1. Request to See Parents

Officers must carefully evaluate a minor's request to see a parent or guardian, probation officer, or some other adult to determine if the minor is actually invoking their Miranda Rights. The officer should try to determine the reason(s) behind the minor's request. The request may be an invocation of the minor's Miranda Rights or a "condition" to going forward.

4.801.05 RELEASE TO PARENT

Minors released to a parent or guardian should be released upon a written notice to appear before the appropriate juvenile court. Parents or guardians of minors released upon a notice to appear before the juvenile delinquency court are required to appear upon a notice to appear before the same court.

A. Minor's Notice to Appear

In addition to all other required fields, the minor's notice to appear should include the name of the parent or guardian released to, the parent's or guardian's date of birth, and the parent's or guardian's driver's license number or other identification number.

B. Parent's Notice to Appear

The minor's parent or guardian is required to appear with the minor in the appropriate juvenile court upon written notice to appear. The parent's notice to appear, in addition to the required fields, should indicate "Parent's Citation," and include the name of the minor and the charge the minor was arrested for.

C. Refusal to Sign

If a minor or parent refuse to sign a written notice to appear, officers shall indicate "refused to sign" on the signature line of the notice to appear and serve the notice to appear on the minor or parent regardless. Such refusal should also be documented in the arrest report.

D. Unable to Locate/Evading

When all reasonable efforts to locate a minor or parent(s)/guardian(s) in order to have that person sign a notice to appear have failed, officers shall describe those efforts within the arrest report and sign the report above the statement "Signed under penalty of perjury."

4.801.06 TRANSFER TO JUVENILE FACILITY

A minor taken into temporary custody shall be released to a parent or guardian unless one or more of the following conditions exist:

- The minor is in need of proper and effective parental care and control and has no parent, guardian or responsible relative willing to exercise or capable of exercising such care or control; or has no parent, guardian or responsible relative actually exercising such care and control.
- The minor is destitute, is not provided with the necessities of life, or is not provided with a home or suitable place of abode.
- The minor is provided with a home which is an unfit place for him by

reason of neglect, cruelty or depravity of either of his parents, or of his guardian or other person in whose custody or care he is placed.

- Continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another.
- The minor is likely to flee the jurisdiction of the court.
- The minor is physically dangerous to the public because of a mental deficiency, disorder, or abnormality.

NOTE: Statement of facts to support one or more of the reasons for detention should be included in the arrest report.

A. Transfer to Probation Department

The Los Angeles County Probation Department operates the juvenile detention facilities in Los Angeles County. Minors requiring continued detention should be delivered to the custody of the Probation Officer.

B. Probation Department Approval

Upon approval of the Watch Commander, the arresting officer or jailer should telephone the Probation Department Intake Officer and request permission to transfer custody of the minor to the Probation Department. The officer should provide the Probation Department with information necessary to assist the Probation Officer in making a decision regarding continued detention.

1. Probation Department Intake - Sylmar (818) 364-2022

C. Delivery of Documents to Probation Department

The Probation Department requires that the following documents are transferred along with custody of the minor:

- (4) copies of the Los Angeles County Booking and Property Form;
- An original Los Angeles County Probable Cause Determination form and (1) copy. The Declaration of Probable Cause should thoroughly state the facts showing probable cause to believe the arrestee committed a crime;
- Probation Department - Juvenile Hall Entrance Record. The Juvenile Hall Entrance Record should thoroughly describe the incident or situation, which makes detention necessary.

D. Arrest Report

Officers shall not delay transfer of a minor to the custody of the Probation Department in order to complete an arrest report. Watch Commanders should ensure that a facsimile copy of the arrest report is transmitted to the Probation Department upon completion and approval. Arrests reports for minors transferred to the custody of the Probation Department should be completed in a timely manner consistent with all other "in-custody" arrests.

Probation Department Intake Facsimile - Sylmar

(818) 362-7859

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-811 Intoxicated and Substance Abuse Minors.pdf

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4-811
INTOXICATED AND SUBSTANCE ABUSING MINORS

4.811.01 INTOXICATED AND SUBSTANCE ABUSING MINORS

A. Medical Clearance

Juveniles who are arrested while intoxicated are 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. Minors who display outward signs of intoxication or are known or suspected to have ingested any substance that could result in a medical emergency shall be transported to an appropriate medical facility for examination and medical clearance prior to being detained at the San Fernando Police Facility or as soon as possible upon learning of the existence of these conditions. Examples of the latter include a history of sequestration of a balloon containing drugs in a body cavity, or juveniles who may have ingested large quantities of drugs immediately prior to arrest in order to eliminate evidence. These minors may initially appear normal, but their condition can rapidly deteriorate.

1. Additional Guidance

The Board of Corrections provided additional guidance on August 21, 1997 in Information Bulletin 97-5 regarding the subject of Intoxicated Minors and application of Section 1431, Title 15 CCR. This bulletin states in part:

"This regulation is intended to apply only to minors who appear to be under the influence of one or more intoxicating substances, or who are known to have ingested such drugs. An example of this is

a minor who has ingested quantities of drugs in order to eliminate evidence or minors known to have sequestered balloon(s) containing drugs in body cavities. It does not apply to the minor who has ingested one or two beers, for example."

"We have been asked as to the level of intoxication needed before this medical clearance would be required. Keeping in mind the intent of the regulation, and the fact that each incident is unique, this determination is left up to the **officer's discretion.** Law Enforcement officers have wide and substantial experience recognizing the objective symptoms of an intoxicated person and are expected to differentiate between a minor who is **at-risk** and needs this medical clearance, and one who has simply ingested a small amount of an intoxicant. Minors who could be described as intoxicated to a level that they are unable to care for themselves would need this medical clearance. A minor who is "under the influence," but has not reached the level of intoxication to place them in the former category, would not require this medical clearance."

B. Continued Processing

1. Medical Clearance

While some emergency departments may choose to observe these minors until they are no longer intoxicated, more often than not they will discharge them to the juvenile facility once they have been examined. Officers should provide the responsible physician with information related to the extent of on-site health services at the police facility or lack thereof, to assist in the determination when minors may be safely monitored there. A medical clearance is not an absolute guarantee that problems will not occur. If a medical clearance is obtained, intoxicated minors should be held in non-secure custody only with constant personal visual supervision by the assigned officer for a brief period of time needed to investigate the case, facilitate release of the minor to a parent or

guardian, or arrange for transfer of the minor to an appropriate juvenile facility.

2. Hospitalization

Officers should notify the Watch Commander when the responsible physician or emergency department chooses to admit a detained minor for further observation and treatment. The Watch Commander should determine whether to release the minor or arrange for continued detention and transportation of the minor to an appropriate juvenile detention facility medical ward. The decision to continue detention of the minor should be a matter of reasonable necessity for the protection of the minor or the person and property of another.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

Vehicle Storage Procedure (1).pdf

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VEHICLE STORAGE PROCEDURE

The City of San Fernando currently utilizes the services of Black and White Towing, INC., for our vehicle impounds and storage.

Black and White Towing is located at 10857 San Fernando Road in the City of Pacoima and their phone number is 818-896-9511. They are open 24 hours per day, seven days per week and have customer parking conveniently located directly in front of their office.

If your vehicle has been impounded and you need to obtain a release for the vehicle, the **REGISTERED OWNER** of that vehicle needs to provide the following:

1. Proof of ownership
2. A valid driver's license
3. Administrative payment of $50.00 in the form of cash or debit card (additional $3.00 fee for debit cards).

The department will process your payment and provide you with a vehicle release form that you need to take to Black and White Towing. Once at Black and White Towing, present the release form and they will charge you a separate fee for the cost of towing and storage at their facility. Please refer to the Black and White Towing Fee Schedule below:

Initial Storage:	$124
Daily Storage Fee:	$39.00 plus tax

*Additional storage fees may apply.

<u>Right to a Post Storage Administrative Hearing:</u>

Per 22852 of the California Vehicle Code, you have the right to a hearing to determine the validity of the storage. Your request for a hearing shall be received at San Fernando PD within **ten (10) days** from the date of notice. If you request a hearing, it will be conducted within **48 hours** of the request **excluding weekends and holidays.** The vehicle storage hearing is an informal process to determine whether or not a vehicle was lawfully stored.

The hearings can be completed in person, in writing or via telephone. Please complete the **San Fernando Police Department Post Storage Hearing Request** form located on the wall to your right.

Statutes and Legal Requirements.pdf

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Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56- Provides definitions of terms included in hate crimes statutes.

GC 12926- Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.

4-700 Facility Sanitation Safety and Maintenance.pdf

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4-700
FACILITY SANITATION, SAFETY AND MAINTENANCE

4.701.01 PEST/INSECT CONTROL

The detention facility will be inspected and treated by a licensed exterminator once per month or as required. The Support Services Commander shall ensure continued services through a licensed exterminator.

A monthly application of brand name "Dursban 2-E" water based pesticide, category number 2, medium toxic factor is applied on a regular basis. For any roach infestation, apply "dry die", which is a non-toxic silica gel.

4.701.02 HOUSEKEEPING

The City of San Fernando contracts with a private janitorial service to clean the Detention Facility. The detention facility is to be cleaned six days per week. Watch Commanders shall inspect the detention facility after it has been cleaned to determine that there is an acceptable level of cleanliness throughout the facility.

All personnel should also report any unsafe conditions or areas in need of repair to the Watch Commander. Cells that have been contaminated or are in need of repair should be removed from service until repaired and re-inspected. Watch Commanders shall document any unsafe conditions on the Sergeants Log and forward a copy to the Support Services Commander. The work to be done under the provisions of the janitorial contract should be accomplished in accordance with the following schedule:

A. Daily

- Pick up trash and sweep floors,
- Empty trashcans and provide new plastic bags,
- Clean drinking fountains,
- Clean, polish and disinfect all lavatories, toilets, urinals and

showers in restrooms,

- Install toilet tissue as needed.

B. Weekly

- Mop detention areas with hot water, soap and disinfectant.
- Clean cells with hot water, soap and disinfectant.
- Clean all trash cans with soap and water.
- Pour hot water in each floor drain and disinfect.
- Spot clean doors, jambs, trim, walls, wainscoting, partitions, and counter faces as needed.

PERSONAL PROTECTIVE EQUIPMENT

Emergency response personnel often work in unpredictable and uncontrolled situations. To minimize the risk of exposure, safe work practices and appropriate protective equipment must be used. Personal protective equipment includes protective equipment for the eyes, face, head, and extremities. The appropriate time and manner for using this equipment are described below.

Personnel must ensure that any personal cuts, abrasions, wounds, etc., are always properly dressed for their own protection and the subject they encounter. Dressings are considered part of proper use of personal protective equipment.

GLOVES:
Gloves should be donned by all personnel before initiating any task in which a possible exposure to infected material may occur. Gloves must be of appropriate latex material, of appropriate quality for the procedures done, and of appropriate size for each person.

Gloves should be changed after contact with each person. Employees should replace a torn glove as soon as possible.

MASK/EYE PROTECTION:
Masks or masks in combination with eye protection devices should be worn whenever splashes, spray, or droplets of blood or other potentially infectious materials may be generated and eye or mouth contamination can be reasonably anticipated. Glasses with solid side shield would be considered appropriate eye protection.

PROTECTIVE CLOTHING:
Appropriate protective clothing such as, but not limited to, disposable pants, shirts or paper suits should be worn in situations where the exposure to possible contaminated fluids is anticipated. This includes cleaning of equipment if there is fear of contamination of clothing.

LOCATION OF PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is located in the jail's housing control area and in main linen and supply closet.

CLEANING AND DISINFECTION OF EQUIPMENT CLEANING:

Cleaning is the physical removal of dirt and debris. Personnel should use soap and water, combined with scrubbing action. This scrubbing action is the key for rendering all items safe to use.
Cleaning is generally sufficient for most equipment and floors. If the equipment has been grossly contaminated with blood/body fluids, it must also be disinfected.

DISINFECTION:

A. Disinfecting is reducing the number of disease producing organisms by physical or chemical means.
B. Personnel should clean the item with soap, water, and then apply a disinfecting solution. A solution such as bleach and water at 1:10 dilution ratio is
an acceptable disinfectant for most nonporous material.
C. A fresh disinfectant solution must be made at each use. Do not use bleach solution in the cleaning of clothing or electric equipment.
D. Remember disinfectants can be toxic or caustic. Disinfecting solutions should have an EPA Registry number and show that they are effective against microbacterial tuberculosis.
E. Routine disposal of germicidal cleaning solutions in the drainage system is acceptable.

CLEANING/DISINFECTING AREAS:

A. Containers designed for the contaminated equipment must have the biohazard symbol.
Toxic Chemicals:
Toxic (cleaning/disinfectant) chemicals will be used by trained custodial personnel for use the jail. The chemicals will be stored in the custodial and chemical supply closet while not in use. A copy of the product safety data sheet for all chemicals will be maintained in the jail supervisors office.
Body Fluids/Waste Clean Up:
Cleaning of bodily fluids or waste (blood, urine, vomit, semen and/or feces) in the jail will be completed by trained custodial personnel. However, if an area is heavily soiled a certified biohazard company (Emergency Response Crime Scene Cleaning Services (866) 305-9001) may be contracted to clean and sanitize the area.

Biohazard:

Contaminated items, such as jail blankets, will be placed in a red plastic "Biohazard" bag and sealed. The Adult Corrections Officer will contact the contract Environmental Specialist (Emergency Response at (866) 305-9001) or Los Angeles City Fire Department Hazmat for direction on disposal.

CLEANING AND SANITIZING BACKSEAT OF PATROL VEHICLE, HANDCUFFS AND RESTRAINTS

From time to time police patrol vehicle back seats, handcuffs, and other restraints may become contaminated with blood or other bodily fluids. Lightly soiled equipment (visible traces blood on metal surfaces for example),can be cleaned by the officer in the following way:

A. Wear disposable gloves.
B. Clean gross debris, if any, from back seat, handcuffs or other surfaces. Handcuffs and restraints need to be cleaned / disinfected after each use.
C. To disinfect, spray *Cavicide on surfaces until wet.
D. Let *Cavicide sit wet for two (2) minutes.
E. After two (2) minuites, dry any residual moisture; rinsing is not necessary.
F. Items are now considered ready for use.

*Cavicide does not provide a protective coating on surfaces it is used on. Therefore, recontamination will require reapplication of this product.

*Cavicide will not damage clothing, or cause rust on handcuffs or restraints.

*Cavicide, Cavicide wipes, Barbacide wipes, Citrus DC, Oxivir, or any other disinfectant that is effect against MRSA can be used.

4.701.03 MAINTENANCE

All maintenance and repairs required within the Detention Facility shall be immediately reported to the Support Services Commander who shall coordinate an appropriate response from the City of San Fernando Facilities Maintenance Unit or licensed contractors as needed.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-200 Arrest Transportation and Booking Part II.pdf

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(b) If the person does not have sufficient cash in his or her possession, that person shall be informed of his or her rights and given the opportunity to do all of the following:

(1) Make not less than three completed telephone calls to obtain bail. This person shall be permitted the use of the police or sheriff's department telephone to make not less than three completed local or collect long-distance telephone calls to make bail.

(2) Have not less than three hours in which to arrange for the deposit of bail.

2. Unable To Post Bail

If the arrested person cannot arrange bail after the prescribed opportunity or states that he or she is unable or unwilling to post bail within three hours, normal booking procedures should be followed. Documentation should be included in the Arrest Report including the fact that the defendant was unable to post bail within the prescribed time or that the defendant stated that he or she was unable or unwilling to post bail.

3. Bail Posted

(a) Adult Confinement Log

Non booked warrant detentions are still required to be logged in the appropriate adult confinement log. The bail receipt number should be indicated in the place of the incident number. The warrant number(s) and charge(s) should be indicated under "Charges."

(b) Reports

If there are any reasons to document the circumstances surrounding the arrest (use of force, etc.) the arresting officer should complete an "Officer's Report." The Watch Commander

should be consulted if there are any doubts as to whether and incident needs to be documented.

E. Release of Person Arrested for Misdemeanor Warrant

1. Authority to Release

Penal Code Section 827.1 states: A person who is specified or designated in a warrant of arrest for a misdemeanor offense may be released upon issuance of a citation, in lieu of physical arrest, unless one of the following conditions exists:

- The misdemeanor cited in the warrant involves violence.
- The misdemeanor cited in the warrant involves a firearm.
- The misdemeanor cited in the warrant involves resisting arrest.
- The misdemeanor cited in the warrant involves giving false information to a peace officer.
- The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics.
- The person requires medical examination or medical care or was otherwise unable to care for his or her own safety.
- The person has other ineligible charges pending against him or her.
- There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

- The person refuses to sign the notice to appear.
- The person cannot provide satisfactory evidence of personal identification.
- The warrant of arrest indicates that the person is not eligible to be released on a citation.

2. Watch Commander Approval

Officers wishing to release a person arrested on a misdemeanor warrant instead of making a physical arrest shall obtain the Watch Commanders verbal approval before issuing a notice to appear or releasing the person. The release should conform to provisions of Penal Code Section 827.1. Persons arrested on felony warrants are not eligible for release on citation.

F. Release of Person Arrested for Misdemeanor

Penal Code Section 853.6 requires that persons arrested for an offense declared to be a misdemeanor, including any city or county ordinance, and who does not demand to be taken before a magistrate, be released on a written notice to appear unless specific reasons for nonrelease exist.

1. Misdemeanor Violation of Protective Order

In any case in which a person is arrested for a misdemeanor violation of a protective court order involving domestic violence, the person shall be taken before a magistrate instead of being released pursuant to the procedures set forth in this section, unless the arresting officer determines that there is not a reasonable likelihood that the offense will continue or resume or that the safety of persons or property would be imminently endangered by release of the person arrested.

2. Reasons for Nonrelease

- The person arrested was so intoxicated that he or she could have been a danger to himself or herself or to others.
- The person arrested required medical examination or medical care or was otherwise unable to care for his or her own safety.
- The person was arrested under one or more of the circumstances listed in Section 40302 and 40303 of the Vehicle Code.
- There were one or more outstanding arrest warrants for the person.
- The person could not provide satisfactory evidence of personal identification.
- The prosecution of the offense or offenses for which the person was arrested, or the prosecution for any other offense or offenses, would be jeopardized by immediate release of the person arrested.
- There was 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 release of the person arrested.
- The person arrested demanded to be taken before a magistrate or refused to sign the notice to appear.
- There is reason to believe that the person would not appear at the time and place specified in the notice. The basis for this determination shall be specifically stated.

3. Notice to Appear

It is the Watch Commander's responsibility to determine if a person

arrested for a misdemeanor should be booked and housed in the detention facility or booked and released on a notice to appear. Persons arrested for an offense declared to be a misdemeanor, including any city or county ordinance should be released on a written notice to appear unless one or more of the specific reasons for nonrelease listed above exist. The Watch Commander approving the arrested persons booking should indicate on the rear of the hard card in the appropriate location the reason for nonrelease.

G. Arrested Person's Right To Telephone Calls

1. Immediately upon being booked, and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls, as described below:

   - An attorney of his choice or, if he has no funds, the public defender or other attorney assigned by the court to assist indigent's, whose telephone number shall be posted. This telephone call shall not be monitored, eavesdropped upon or recorded.

   - A bail bondsman.

   - A relative or other person.

2. The arrested person shall be entitled to make at least three such calls at no expense if the calls are completed to telephone numbers within the local calling area.

3. These telephone calls shall be given immediately upon request, or as soon as practicable.

4. Booking Officer's Responsibility

   The requirement to comply with the above normally falls on the

booking officer. The booking officer shall document, on the back of the "hard card" copy of the booking report, completed telephone calls and all reasons that the calls were physically, not possible to make (e.g., arrested person declined the calls, unable to speak due to excessive intoxication, etc.).

5. Watch Commander's Responsibility

a. Compliance With Telephone Call Procedure

Watch Commanders are responsible for inspecting the "hard card" copy of the booking report for compliance with the telephone call procedure.

b. Each Person In Custody

In addition to ensuring compliance for those arrested during a given shift, Watch Commanders shall inspect for compliance with this procedure, for each person in custody, at the beginning of each shift and ensure that those persons requiring telephone calls are given the opportunity. At the Watch Commander's discretion, additional telephone calls may be given to arrested persons.

H. General Booking Procedures

1. Property Bags

A copy of the Los Angeles County Booking and Property Report should be sealed in a clear plastic property bag with the inmate's property.

2. Bulk Property And Prohibited Items

Bulk items and prohibited items such as lighters must be booked into property for "Safekeep." Officers should provide the inmate with a "Property Receipt."

3. Money

Money, checks, script and food stamps shall be counted in front of the inmate. The Watch Commander shall verify large amounts (over $500.00), documenting on the money envelope the number of each denomination received and the total amount.

Money envelopes shall be sealed in the top portion of the property bag separately from other property.

4. Jewelry

Jewelry shall be described by appearance, i.e. yellow metal ring instead of "Gold Ring," clear stone instead of "Diamond," etc.

I. Live-Scan Procedures

1. Booking Numbers

The Live-Scan System will connect to the Los Angeles County Automated Jail Information System (AJIS) and pull an available booking number. In the event AJIS is down, the Los Angeles County Sheriff's Department Inmate Reception Center (IRC) must be contacted for a manual booking number. Upon return to service, AJIS will automatically import demographics without further input.

2. Live-Scan System Down

In the event the Live-Scan System is down, inmates will need to be booked manually using blank forms located in the Booking Room. The Watch Commander shall call for immediate service if the Live-Scan System goes down. Upon return to service, inmates will need to be re-booked into the Live-Scan System.

3. Changing a Person's Status

In the event that a person's status needs to be changed after booking has been completed due to error, deception, or change of demographics, the dispatcher shall be contacted and requested to make appropriate changes to the AJIS database. The person should not be re-booked as this will create a new arrest for the same person.

4. Booking and Property Report Forms

The Live-Scan System automatically prints several copies of the Los Angeles County Booking and Property Record for each inmate. The primary copy shall be used as the Detention Facility Booking Record to record additional charges, telephone call records, medical and classification information, housing location, release information, etc.

5. Importing Booking Information

Upon completion of booking, the booking information may be imported into the Department's Records Management System (RMS). After logging into the RMS, locate or add a new FOLDER depending upon whether a new or existing DR number exists for that incident. After locating or creating a new FOLDER, select or add a new CASE (use appropriate DR number). From the CASE screen, the booking information can be imported by selecting the "IMPORT DBI" or "JUVENILE" screens and locating the subject to be imported into RMS.

4.201.04 ARREST BY WARRANT

Persons arrested on warrants shall be handled in the same manner as persons arrested for the commission of a public offense with exception of those persons arrested on two or fewer outstanding warrants for failure to appear on a citation for a parking offense or a traffic infraction as described above. The provisions of this section apply to persons arrested on outstanding warrants only. Warrants

will attach as "Additional Charges" to persons arrested for the commission of a public offense.

A. Local Courts

Persons arrested on warrants issued by the local (San Fernando Judicial District) courts may be housed in the Detention Facility until they are transported to court lock-up for the next court session or until bail is posted.

B. Parole Violators

Parole violators may be housed in the Detention Facility. The Los Angeles County Sheriff's Department will accept Parole Violators at the local court lock-up for transportation to Los Angeles County Jail.

C. Juvenile Superior Court Warrants

Minors detained on arrest warrants issued by the Juvenile Superior Court should be transported to the custody of the Los Angeles County Probation Department. The Probation Department will not accept arrestees who are over the age of eighteen (18) years at the time of arrest unless the Juvenile Superior Court Warrant specifically indicates, on its face, that detention is to be with the Los Angeles County Probation Department. Adults arrested on warrants issued by the Juvenile Superior Court should be transported to the appropriate County Jail facility or transported directly to the Juvenile Superior Court if in session.

D. Other Court Jurisdiction

Persons arrested on warrants issued by Los Angeles County Courts other than San Fernando Judicial District courts may be temporarily housed in the Detention Facility until arrangements are made for pick-up and transportation to the responsible law enforcement agency or until bail is posted.

1. Notification of Responsible Agency

The dispatcher should telephonically contact the Watch Commander of the responsible law enforcement agency and inquire as to whether that department will respond personnel to pick up the arrestee. The dispatcher should obtain an approximate time of arrival for the responding personnel.

2. Responsible Agency Will Not Respond

In the event the responsible agency will not respond, the dispatcher should obtain the name and serial number of the Watch Commander and authorization to release the arrestee pursuant to the provisions of Penal Code Section 827.1 (Release of Person Arrested for Misdemeanor Warrant). If the person was arrested for a felony warrant or is not otherwise eligible for release pursuant to the provisions of Penal Code Section 827.1 and the responsible agency refuses to respond personnel, the Watch Commander should be advised. The Watch Commander should make arrangements for transportation of the arrestee to the responsible law enforcement agency or County Jail facility if the responsible law enforcement agency continues to refuse to pick-up the arrestee.

E. Out of County Warrants

Persons arrested on warrants issued by courts outside Los Angeles County should be handled in the same manner as those issued by Los Angeles County Courts other than the San Fernando Judicial District courts with exception of the following:

1. Validate the Warrant

Warrants issued by courts outside Los Angeles County do not appear within the Countywide Warrant System (CWS). The dispatcher should contact the issuing agency to ensure that the warrant is valid. This would be a good opportunity to confirm that the responsible law enforcement agency will pick-up the arrestee and/or authorize release pursuant to the provisions of Penal Code

Section 827.1. If the warrant is not valid, the person arrested will be released.

2. Abstract the Warrant

Upon determining that a valid warrant exists, the dispatcher will request that the responsible law enforcement agency abstract the warrant to SFPD.

3. Hold for Pick-Up

The dispatcher should advise the responsible law enforcement agency via Teletype where the arrested person will be detained and the maximum date and time that the arrested person will be held. In some cases, the arrested person may have committed a public offense and will be transported to the appropriate court for arraignment and then County Jail."

4.201.05 ARRESTS BY PRIVATE PERSONS

A. Authority

A private person may arrest another:

1. For a public offense committed or attempted in his presence.

2. When the person arrested has committed a felony, although not in his presence.

3. When a felony has been in fact committed and he has reasonable cause for believing the person arrested to have committed it. (Ref. Penal Code Section 837).

B. Liability for False Arrest or False Imprisonment

Penal Code Section 847 states in part that there shall be no civil liability on the part of, and no cause of action shall arise against, any peace

officer acting within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest when any one of the following circumstances exist:

- The arrest was lawful or when the peace officer, at the time of the arrest had reasonable cause to believe the arrest was lawful.

- When the arrest was made pursuant to a charge made, upon reasonable cause, of the commission of a felony by the person to be arrested.

- When the arrest was made pursuant to the requirements of Penal Code Section 142 (Refusing to receive or arrest person charged with crime), 838 (Magistrates may order arrest), or 839 (Persons making arrest may summon assistance).

C. False Arrest or False Imprisonment

Officers shall immediately notify the Watch Commander in any case, in which the officer believes that a private person has made a false arrest or falsely imprisoned another. The Watch Commander shall:

1. Notify the private person that the arrest and/or imprisonment may be illegal and subject the person making the arrest to civil and/or criminal liability. This conversation should be in private away from

2. Receive the arrested person if the private person making the arrest so demands. The Watch Commander should ensure that the private person making the arrest signs an "Admonition To Arresting Person" form. The Watch Commander should then release the arrested person pursuant to Penal Code Section 849(b) or other applicable authority. The Watch Commander may choose to have the arrested person transported to the station or other safe location in order to avoid further confrontation.

3. Ensure that a complete report of the alleged crime and arrest are

made by the responsible officer.

D. Crime/Arrest Report

It is the responsibility of the officer receiving a private person's arrest to document the circumstances of the alleged crime and arrest in a standard police report. In some instances, private security personnel may complete a crime and arrest report on their own. This does not relieve the officer of his or her responsibility to review the contents of the reports completed by security personnel and attach appropriate follow-up or investigative reports as required.

E. Arrest, Transportation and Booking

All other procedures related to the arrest, transportation and booking apply to private persons arrests.

4.201.06 OUTSIDE AGENCY BOOKING POLICY

A. Watch Commander Approval

Watch Commanders should review the facts related to the arrest of a person by another law enforcement agency and approve or deny the request to book and/or house the person at the San Fernando Detention Facility. The approving Watch Commander should assign adequate personnel to assist the arresting agency and ensure that the procedures related to booking and continued detention are followed. Personnel from law enforcement agencies that regularly book arrested persons at the San Fernando Detention Facility may be instructed on proper procedures, however, the Watch Commander is not relieved of responsibility for their compliance with these procedures.

B. Medical Treatment

The Watch Commander shall not assume responsibility to provide medial treatment to any person arrested by another law enforcement agency. If

the arrested person has been accepted for housing and the responsible law enforcement agency personnel relieved, normal procedures for medical treatment apply.

C. Segregation and Transportation

Transportation to County Jail or to the custody of the Probation Department or any other detention facility of persons requiring segregation or special housing is the responsibility of the arresting agency and shall not be assumed by the Watch Commander.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

4-100 Facilities Management.pdf

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4-000
CUSTODIAL SITUATIONS

4-100
FACILITY MANAGEMENT

4-100.01 ADMINISTRATIVE POLICY

It is the policy of the San Fernando Police Department to provide a constitutional, safe, secure, humane, just and fair facility which will be considered an appropriate place for the temporary detention of persons arrested for crimes that require their incarceration.

The San Fernando Police Department shall meet or exceed standards established by the California Board of Corrections regarding the operation, staffing and management of local detention facilities.

Unless otherwise described in Section 4-800 of this manual, all procedures apply to adults and juveniles who are detained in the detention facility.

4-100.02 DEFINITIONS

As set forth in Title 15 of the California Code of Regulations, the following definitions shall apply:

"Local detention facility" means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or

privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.

"Type I facility" means a local detention facility used for the confinement of persons for not more than ninety-six (96) hours excluding holidays after booking. Such a Type I facility may also detain persons on court order either for their own safekeeping or sentenced to a city jail facility as an inmate's worker, and may house inmate workers sentenced to the county jail provided such placement in the facility is made on a voluntary basis on the part of the inmate. As used in this section, an inmate worker is defined as a person assigned to perform designated tasks outside of his/her cell or dormitory, pursuant to the written policy of the facility, for a minimum of four hours each day on a five day schedule work week.

The California State Board of Corrections identifies the local detention facility operated by the San Fernando Police Department as a "Type I facility."

"Facility administrator" means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility/system.

"Facility manager" means the jail commander, camp superintendent, or other comparable employee who has been delegated the responsibility for operating a local detention facility by a facility administrator.

"Supervisory custodial personnel" means those staff members whose duties include direct supervision of custodial personnel.

"Custodial personnel" means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose primary duties are the supervision of inmates.

"Health Authority" means that individual responsible for health care services pursuant to a written agreement or job description. A health authority could include a county/city health officer, physician. Final medical decisions rests with

a single designated responsible physician.

"Routine safety checks" means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.

4-100.03 TABLE OF ORGANIZATION

Chief of Police, Facility Administrator;

Support Services Commander, Facility Manager;

Jailer, Corrections Officer;

All communications should be through the chain-of-command.

ROBERT R. ORDELHEIDE
Chief of Police

January 1, 2009
Date

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