

West Sacramento Police Department

West Sacramento PD CA Policy Manual

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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MISSION STATEMENT

Mission

The mission of the West Sacramento Police Department is to **STRIVE** for **PROFESSIONAL EXCELLENCE** as **LEADERS** in law enforcement through our **PARTNERSHIP** with the **COMMUNITY** we serve.

Vision

The men and women of the West Sacramento Police Department are **COMMITTED** to **PROTECTING** the public through **TEAMWORK**, **INNOVATIVE PROBLEM SOLVING**, and **PROCEDURAL JUSTICE**.

Core Values

- **Protection**
 - Guarding the Public's safety and quality of life is our highest priority
- **Compassion**
 - Fostering an environment of empathy and concern for our community and employees
- **Integrity**
 - Holding ourselves and each other accountable to do the right thing and creating a transparency for others to monitor our performance
- **Inspiring**
 - Acting as role models for our youth, our community and the law enforcement profession
- **Selflessness & Courage**
 - Professionally performing all duties and responsibilities, even in the face of danger and adversity
- **Esprit De Corp**
 - Fostering comradery, enthusiasm, devotion and loyalty for our community, our Department, and the law enforcement profession
- **Pride**
 - Taking pride in our profession and our ability to maintain the public trust
- **Respect**
 - Treating others in a courteous, professional and dignified manner
- **Diversity**

Mission Statement

- Recognizing and honoring diversity within the community while striving to create a diverse Department culture that reflects and represents the community we serve

Goals

- Utilize technology and data based policing methods for effective and timely crime control methodologies and practices
- Provide training and mentoring to Department staff to promote professional and personal growth
- Promote collaborative thinking to encourage innovative ideas and ownership
- Create an environment of consistency and stability to encourage employee retention
- Conduct continuous internal and external assessments of the Department's policy and procedures to ensure industry best practices
- Provide Department employees with the resources and support needed to do their jobs

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PREFACE TITLE

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Chapter 1 - Law Enforcement Role and Authority

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the West Sacramento Police Department to perform their functions based on established legal authority.

100.2 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 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 in writing 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 WEST SACRAMENTO POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the West Sacramento 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 department 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 WEST SACRAMENTO POLICE DEPARTMENT

The arrest authority within the jurisdiction of the West Sacramento 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.

100.2.5 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents

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or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

West Sacramento Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

100.3 POLICY

It is the policy of the West Sacramento Police Department to limit its members 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.
- (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 members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

Chief Executive Officer

102.1 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.

102.1.1 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).

Agency Jurisdiction and Mutual Aid

103.1 PURPOSE AND SCOPE

The West Sacramento Police Department recognizes the need of establishing jurisdiction and mutual aid agreements with law enforcement agencies in adjoining jurisdictions. These mutual aid agreements provide for assistance to or from other agencies in case of a natural disaster, mass disorder, or other emergencies.

103.2 BOUNDARIES OF JURISDICTION

The official map provided by the City of West Sacramento Engineering Department delineates the geographical boundaries of the city of West Sacramento. These boundaries are identified as the Sacramento River on the east and north, the Yolo Bypass on the west and the Deep Water Canal at the high rise on the south. Additionally, the Yolo County Emergency Services Agency maintains a quick reference map that delineates the specific geographical boundaries of the agency's jurisdiction.

103.3 CONCURRENT JURISDICTION RESPONSIBILITY AND AGREEMENTS

It is the intent of this directive to identify basic shared responsibilities as they relate to police service in concurrent jurisdictions. West Sacramento Police Department works within the concurrent jurisdiction of the following agencies: Yolo County Sheriff's Office, California Highway Uniformed Services, Union Pacific Railroad Police, United States Coast Guard, California Department of Fish and Game, United States Office of Homeland Security, Customs and Border Protection, and the United States Postal Service. It is the policy of the West Sacramento Police Department to coordinate its efforts with these concurrent agencies as outlined below:

- **Yolo County Sheriff's Department:** Our primary relationship with the Sheriff's Office is the booking and custody of prisoners and the services of the County Coroner's Office. Criminal investigations within the City limits shall be the responsibility of the West Sacramento Police Department, regardless of any assistance from the Sheriffs' Office.
- **California Highway Uniformed Services:** The West Sacramento Police Department will investigate all criminal events within its jurisdiction, including those occurring on the adjacent State Highways (I-80 & US50). The Department will provide assistance to the Uniformed Services, as needed, when called upon to do so due to unusual events on the State highway.
- **Union Pacific Railroad:** The West Sacramento Police Department will investigate all criminal events within its jurisdiction, including those occurring on the adjacent railroad lines within the City. The Department will provide assistance to the Union Pacific Police Department, as needed, when called upon to do so due to unusual events on the rail system.
- **United States Coast Guard:** The West Sacramento Police Department will investigate all criminal events within its jurisdiction, including those occurring on the Sacramento

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River, the Sacramento Deep Water Ship Channel and at the Port of Sacramento. The Department will provide assistance to the United States Coast Guard, as needed, when called upon to do so due to unusual events on the Sacramento River, in Sacramento Deep Water Ship Channel and at the Port of Sacramento.

- Primary and backup response to service requests
- Reporting and criminal investigation procedure
- Police function in the non-enforcement role
- Homeland Security related issues
- California Department of Fish and Game: The West Sacramento Police Department will investigate all criminal events within its jurisdiction, including those occurring on the Sacramento River, the Sacramento Deep Water Ship Channel and at the Port of Sacramento. The Department will provide assistance to the California Department of Fish and Game, as needed, when called upon to do so due to unusual events on the Sacramento River, in Sacramento Deep Water Ship Channel and at the Port of Sacramento.
- United States Office of Homeland Security, Customs and Border Protection: The West Sacramento Police Department will investigate all criminal events within its jurisdiction, including those occurring at the Port of Sacramento. The Department will provide assistance to the United States Office of Homeland Security, and the US Immigrations and Customs Enforcement, and Border Protection as it pertains to issues at the Port of Sacramento. As is pertains to the Port of Sacramento, the West Sacramento Police Department may require in some cases, the assistance of Customs and Border Protection with investigations relating to issues at the Port of Sacramento.
- United States Postal Service: The West Sacramento Police Department will investigate all criminal events within its jurisdiction, including those occurring at United States Postal Service offices and the United States Postal Service Processing and Distribution Center. The Department will provide assistance to the United States Postal Inspector, as needed, when called upon to do so due to unusual events occurring upon the property/interests of the United States Postal Service.

103.3.1 RESPONSIBILITY AND COMMAND

Usually the first agency upon the scene, and having jurisdiction, has responsibility and is in charge. The West Sacramento Police Department recognizes this responsibility and either assumes jurisdiction on that basis or provides assistance to other agencies, as they require.

103.3.2 NOTIFICATION

The YECA Communications Center notifies the Operations Commander, by the most direct means, in the event assistance from the Operations Division is necessary for any of the identified agencies

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Agency Jurisdiction and Mutual Aid

103.4 MUTUAL AID AGREEMENT

- (a) Yolo County, California is an area of approximately 1,014 square miles, having five incorporated cities. Each city within the county has its own police agency, except the unincorporated areas which are the responsibility of the Yolo County Sheriff's Department for law enforcement services. Yolo County also has several state and federal law enforcement agencies working within its boundaries. Availability of resources is dependent upon the nature and location of the incident.
- (b) Under the provisions of Government Code Section 8550, 8569, 8616 and 8668, the West Sacramento Police Department has a written agreement with neighboring Yolo County Law Enforcement agencies to provide mutual aid in emergencies. This agreement is outlined in the Yolo County Mutual Aid Agreement and the A.L.E.R.T. (Area Law Enforcement Response Team) M.O.U. The A.L.E.R.T. M.O.U. provides mutual aid assistance to Yolo County Law Enforcement agencies for SWAT, E.O.D. and Hostage Negotiators in incidents requiring these specialized teams. Additionally, the City and Police Department participate in the statewide emergency response plan within district four and coordinated by the Yolo County Sheriff, per State law.
- (c) "Emergency" means an actual or potential condition that poses an immediate threat to life or property, and exceeds the capability of a local agency to counteract successfully. The Chief of Police, or his/her designee, approves all requests for mutual aid assistance and determines the appropriate level of response by the West Sacramento Police Department.

103.5 MUTUAL AID PROCEDURE

When responding to a mutual aid request it is imperative that the individual directing such response be mindful that the protection of the citizens of West Sacramento is their first priority. To this end the on-duty-supervisor will make every effort to maintain targeted staffing levels, as defined in Policy 216 - Uniformed Services Staffing and Time Off Policy, and barring extraordinary circumstances will at no time allow there to be less than 4 uniformed patrol officers and one supervisor available for service within the city limits.

When it becomes necessary to use mutual aid, if possible, the Communication Center establishes radio communications through the County.

103.5.1 MUTUAL AID IN YOLO COUNTY

The countywide Mutual Aid Agreement says that in case of an emergency, each political subdivision, a party to this agreement, furnishes police personnel and equipment. Responding agencies bear the costs incurred by this deployment and can file for reimbursement through the Federal government as permitted by law. The request for mutual aid by another police agency must originate from the Chief of Police, or designee. It is the responsibility of the COP, or designee, at the requested agency, to decide what personnel and equipment are available.

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When a responding agency agrees to provide mutual aid, the allocated personnel of the responding agency report to the requesting agency. Personnel from the responding agency work under the direction and supervision of the on-duty commanding officer of the requesting agency. Responding personnel will have legal authority to act within the receiver agencies jurisdiction.

An agency sending personnel for mutual aid may recall police personnel and equipment at the sole discretion of that agency's Chief of Police.

103.5.2 MUTUAL AID TO ADJOINING COUNTIES

If an adjoining county or police jurisdiction in that county requests mutual aid, the request must come from the highest-ranking officer of that jurisdiction, i.e., Chief of Police or Sheriff. This request must, in most incidents, be made consistent with the guidelines outlined in the statewide mutual aid agreement.

The ranking officer from any out of county jurisdiction should exhaust the resources in his own county before making a mutual aid request of the West Sacramento Police Department. The Chief of Police or his designee must approve all requests for mutual aid.

An exception to this rule is a situation where an officer or citizen is in imminent danger. In these situations, the Uniformed Services Supervisor should dispatch whatever personnel and equipment he feels is necessary. The Uniformed Services Supervisor makes the Uniformed Services Commander and the Chief of Police aware of the situation as quickly as possible. Responding officers act under the supervision of the requesting agency's ranking officer. The Uniformed Services Supervisor monitors the situation to decide if it is necessary to continue mutual aid.

103.5.3 MUTUAL AID TO NON-ADJOINING COUNTIES

The Chief of Police, or his designee, must grant approval before mutual aid is sent to a non-adjoining county or a jurisdiction within a non-adjoining county.

103.5.4 MUTUAL AID FOR MASS ARREST

During a mass arrest, (the arrest of one hundred or more persons arising from a single incident), the agency providing mutual aid, per the agreement, helps with the preliminary processing of prisoners. This assistance consists of:

- Identification of the arrestee.
- Control of property taken from arrestees.
- Completion of arrest certificates.
- Transportation of prisoners.
- Helping with detention and providing security for a temporary detention facility, if necessary.

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Mutual aid assistance in mass arrest situations involving the arrest of less than one hundred persons, follow the other provisions of the agreement but normally do not require setting up a temporary detention center.

103.5.5 MUTUAL AID FOR CIVIL DISORDER

When answering a request for mutual aid involving civil disorder the on-duty Patrol Sergeant, or in his absence the on-duty patrol supervisor, must ensure that the response of the department is well thought out and coordinated with consideration being given to the following factors:

- Response of personnel shall be tempered so as to meet the staffing requirements as described in section 103.5 of this Policy.
- In order to ensure the most orderly and effective response watch commanders/supervisors should strive to send personnel to a mutual aid request involving civil disorder in squad consisting of (11) eleven officers and (1) one supervisor as defined in FEMA 508-6 Typed Resource Definitions " Law Enforcement and Security Resources.
- Following the deployment of personnel to a mutual aid request involving civil disorder the watch commander/supervisor should immediately begin considering the sustainability of the operation. Such issues as logistical support for the personnel deployed, replacement of deployed personnel, deployment of additional personnel, and the recalling of personnel to our jurisdiction as soon as possible must be considered and planned for immediately.

103.6 REQUESTING FEDERAL LAW ENFORCEMENT ASSISTANCE

When an officer, responding to the scene of any situation, identifies the need for specialized or additional assistance from a federal agency or the National Guard, he/she shall notify his/her supervisor. The supervisor is responsible for coordinating federal assistance requests through the Division Commander or the Chief of Police. These requests shall be coordinated consistent with the countywide mutual aid agreement.

The Chief of Police or his designee must approve requests for federal law enforcement assistance and then shall coordinate these requests through the Yolo County Sheriff's Office when they are a part of a mutual aid response. The following federal agencies can provide assistance upon request:

- Federal Bureau of Investigation is specifically for Kidnapping, Hi-Jacking, Bank Robbery, Terrorism, High-Tech Crimes and Extortion.
- Bureau of Alcohol, Tobacco, Firearms and Explosives is specifically for investigation and support of Arson and Explosive investigations.
- United States Marshal Service is specifically for prisoner transportation, warrants and enforcement.
- Secret Service is specifically for investigation and support service.

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Agency Jurisdiction and Mutual Aid

- National Guard for riot control, patrol and general assistance to over taxed law enforcement resources.

The YECA Communication Center keeps these emergency telephone numbers on file.

103.7 CALIFORNIA NATIONAL GUARD - EMERGENCY ASSISTANCE

After committing all available local resources the Chief of Police may contact the Yolo County Sheriff's Office and request assistance via the mutual aid agreements outlined by State law. The Sheriff's Office can coordinate help in natural or manmade disasters such as:

- Floods.
- Snow emergencies
- Evacuations
- Water emergencies (hauling drinking water) to Civil Disturbances
- Civil Disturbances

The Statewide mutual aid agreement outlines the procedures for requesting assistance from the Yolo County Sheriff's Office and related regional and State mutual aid resources.

Oath of Office

104.1 PURPOSE AND SCOPE

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

104.1.1 WRITTEN OATH OF OFFICE

All personnel taking the oral oath of office follow it up by signing a written oath of office. The Chief or his designee witnesses the signature and maintains the original the employee's personnel file.

104.2 POLICY

It is the policy of the West Sacramento Police Department that, when appropriate, department members 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 members to their duties.

104.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office, prior to assuming sworn status, 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."

104.4 MAINTENANCE OF RECORDS

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

Policy Manual

106.1 PURPOSE AND SCOPE

The manual of the West Sacramento 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 members 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.

106.2 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 members of this department under the circumstances reasonably available at the time of any incident.

106.2.1 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 West Sacramento 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The West Sacramento Police Department reserves the right to revise any policy content, in whole or in part.

106.3 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 Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

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CCR - California Code of Regulations (Example: 15 CCR 1151).

CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of West Sacramento.

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

Department/WSPD - The West Sacramento Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The West Sacramento Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the West Sacramento Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

Officer - Those employees, regardless of rank, who are sworn peace officers of the West Sacramento Police Department.

On-duty - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

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

Rank - The title of the classification 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.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The

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supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

USC - United States Code.

106.5 ORGANIZATION OF THE MANUAL

The various policies in this manual are organized numerically under specific subject matter chapter headings. Page numbers are provided within the policies as well as definitions, any references to case law, California penal codes, and California vehicle codes.

Reviews are conducted during regular meetings to include members the Command Staff and the Police Support Services Manager.

106.6 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members 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 member shall acknowledge that he/she has been provided access to, and has had the opportunity to review the Policy Manual and Departmental Directives. Members shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

106.7 PERIODIC REVIEW OF THE POLICY MANUAL

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

106.8 REVISIONS TO POLICIES

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

Members are responsible for keeping abreast of all Policy Manual revisions.

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

All department members 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.

Law Enforcement Code of Ethics

107.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their department at all times.

107.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

107.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse 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; 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 in both my personal and official life, I will be exemplary in obeying the laws of the land 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, 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

107.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.

Chapter 2 - Organization and Administration

Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 ORGANIZATIONAL STRUCTURE / DIVISIONS

The Chief of Police is responsible for administering and managing the West Sacramento Police Department. There are two offices and four divisions in the Police Department which are as follows:

- (a) Office of the Chief of Police
- (b) Office of Operations
- (c) Administrative Services Division
- (d) Investigative Services Division
- (e) Uniformed Services Division
- (f) Community Outreach & Support Division

200.2.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is Commanded by the Office of the Chief and managed by a Lieutenant whose primary responsibility is to provide general management, direction, and control for the Professional Standards Unit which includes the Professional Standards Unit Sergeant, the Training Analyst and a secretary. This division also houses the Support Services Unit which is managed by the Police Support services Manager whose primary responsibility is to provide oversight, direction and control for the Senior Analyst, Senior Finance Analyst, CALEA Coordinator, Court Liaisons and the CALEA Accreditation Program.

200.2.2 INVESTIGATIVE SERVICES DIVISION

The Investigative Services Division is commanded by the Office of Operations and managed by a Lieutenant whose primary responsibility is to provide general management, direction, and control for the Investigations Unit, Special Investigations Unit and the Records Unit. The Investigations Unit consists of an Investigations Sergeant and an SIU Sergeant, the Detective Section Special Investigations Unit, Crime Analyst, CSI, and the Juvenile Unit. The Juvenile Unit consists of the Juvenile Diversion Counselor.

200.2.3 UNIFORMED SERVICES DIVISION

The Uniformed Services Division is commanded by the Office of Operations and managed by the assigned Lieutenants whose primary responsibilities are to provide general management, direction, and control for the Division. The Uniformed Services Division consists of all regular patrol watches, the K9 Unit, Traffic Unit, Reserve Peace Officers, Community Service Officers, Boat Unit, Bicycle Unit, Property & Evidence and Fleet and Facilities along with other collateral duty units/teams assigned within the Division.

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200.2.4 COMMUNITY OUTREACH & SERVICES DIVISION

The Community Outreach and Services Division is commanded by the Chief of Police and managed by the Business Manager whose primary responsibilities are to provide general management, direction and control of the Division. The division consists of the Homeless Program manager, Homeless program Associate, Mental Health Clinicians, Volunteers in Policing and the Police Services Coordinator along with other collateral duty units/teams assigned within the Division.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate the Deputy Chief of Police to serve as the acting Chief of Police. During a planned absence in which both the Chief of Police and the Deputy Chief are absent, the Chief or Deputy Chief shall appoint a Lieutenant to serve as the interim Chief of the department.

200.3.2 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, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

200.3.4 COMMAND ORDER OF PRECEDENCE AND PROTOCOL

When the Chief is absent, the order of precedence for command authority is the Deputy Chief. In case of incapacitating injury to, or the death of the Chief, the Deputy Chief is responsible for the operation of the department until the City Manager names a replacement pursuant City Council direction.

The echelon of command for the West Sacramento Police Department is as follows:

- Chief of Police
- Deputy Chief of Police
- Lieutenant
- Sergeant

The line of succession, in the absence of the Chief of Police is as follows:

- Deputy Chief of Police

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- Lieutenant
- Sergeant

Command protocol in situations involving personnel of different offices or sections engaging in a single operation is as follows:

- (a) The command structure always follows the chain of command.
- (b) Whenever the command structure is not easily distinguishable by rank, responsibility of command remains with the command officer having primary functional responsibility.
- (c) Whenever command structure is easily distinguishable by rank, but the command officer having primary functional responsibility is of lower rank; the responsibility of command remains with the highest-ranking officer.
- (d) Primary functional responsibility means matters that fall within an officer's normal responsibilities and duties.

200.3.5 REQUIREMENT TO OBEY LAWFUL ORDERS

Employees must promptly obey lawful orders, or directives of a supervisor. This includes orders or directives from a superior that an employee of the same or lesser rank relays. If an employee receives a conflicting order or directive, the employee must respectfully call the conflict to the attention of the supervisor giving the last order. If the supervisor giving the last order does not change the order, the employee must obey the last order and is not responsible for disobedience of the first order.

Employees must never obey any order that they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees must request the issuer to clarify the order or to confer with higher authority.

Any employee who disobeys or disregards a supervisor's lawful order or directive, verbal or written, is subject to disciplinary action.

200.4 AUTHORITY AND RESPONSIBILITY

Commanders, managers, and supervisors are responsible for the effective and efficient operation of their assigned function and have the authority and duty to make decisions to fulfill their role. Each department employee is only accountable to one supervisor at any given time.

200.4.1 DELEGATION OF AUTHORITY AND RESPONSIBILITY

- (a) Commensurate authority accompanies the delegation and supervisory and command responsibility. Relief command personnel and acting supervisors assume the same responsibility and command the same respect and response to command as the regular supervisor. It is not mandatory that the supervisor always designate the senior employee as the acting commander or supervisor. The appointing authority must assign the employee he or she feels can best carry out the responsibilities of the position.

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- (b) When delegating authority, each employee is fully accountable for his decision to delegate authority, and also for the failure to delegate authority.

200.4.2 SUPERVISORY ACCOUNTABILITY FOR EMPLOYEES

All commanders, managers, and supervisors, or those delegated to those responsibilities, are responsible for the performance of employees under their immediate control.

200.5 ANNUAL GOALS

The West Sacramento Police Department Command Staff meets at the conclusion of the year to assess whether or not goal objectives for the year were met. This is also the time where new goals are discussed, established, and prioritized by the Division Command. Assessments are made and a final assessment to the Chief of Police is authored by the Division Commander on the attainment of goals. This report contains the goals for the year in question, whether or not they were met, why or why not, and suggestions for attaining the goals in the future. The plan should also include goals and objectives for each division. Division Commanders are responsible for formulating plans and accomplishing the goals and objectives of their respective units. The final report will be made available to all staff in the Annual Report Addendum.

200.6 PLANNING AND RESEARCH

The Administrative Staff along with the Command Staff will meet on a regular basis to discuss current and future issues and concerns to engage in planning and to assist in delegating and dispersing the workload, to include projects and research. These meetings will also be a venue for status updates and status reports concerning ongoing projects. The meetings will include a review of short and long term goals.

Line Inspections

202.1 PROCEDURE

Inspections are the function and responsibility of supervisors and command personnel, and are essential to ensure departmental equipment and personnel uniforms are properly maintained. Inspections will be conducted within the West Sacramento Police Department to ensure that operational policies and procedures of all units conform to agency expectations, policies, orders, and existing law

202.2 FORMAL LINE INSPECTIONS

A formal line inspection is performed annually by the Chief of Police, Command staff, and the Facilities Manager. The inspection will be conducted mid-year and areas covered will include, but not be limited to the following:

- (a) Appearance/grooming/uniforms;
- (b) Required safety equipment;
- (c) Weapons;
- (d) Vehicle condition and required equipment;
- (e) Facilities.

Any issues or deficiencies found during the inspection will be noted by the facilities manager for correction. The Lieutenant in charge of Fleet and Facilities will follow up with the facilities manager to ensure all corrections are made as soon as practicable.

Prior to the formal inspection, supervisors shall conduct a pre-inspection of each employee. Supervisors conducting the inspection shall inspect their personnel for the following:

- (a) Personal appearance;
- (b) Compliance with established uniform or dress code;
- (c) Proper safety equipment, condition of safety equipment;
- (d) Readiness for Duty;
- (e) Cleanliness of assigned departmental equipment.

Any deficiencies noted by a supervisor are to be immediately brought to the attention of the affected employee for prompt correction. Each Officer shall be responsible to maintain all department assigned equipment in orderly condition and promptly correct any deficiencies brought to their attention. Supervisors will follow up with any employee who had noted deficiencies to ensure the issues are corrected prior to the formal line inspection.

Departmental Directive

204.1 PURPOSE AND SCOPE

Departmental Directives 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. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

204.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

Any Departmental Directives 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, 12-01 signifies the first Departmental Directive for the year 2012.

204.2 RESPONSIBILITIES

204.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

204.2.2 CHIEF OF POLICE

The Chief of Police or his/her designee shall issue all Departmental Directives.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Training Manager.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

The City has prepared an Emergency Management Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

206.1.1 DISASTER RESPONSE

If any great disaster occurs, which would require the resources of the Police Department to properly attend, all employees who are off duty must report as quickly as possible to their normal duty station. If the emergency prevents the employee from reaching his normal duty station, he should report to the closest City facility. The disruption or clogging of telephone communications and the failure of the Police Department to notify each off duty employee does not excuse such employees from reporting. Such catastrophes are readily apparent to all, either by hearing, by word of mouth or other means. All personnel, after caring for the needs of their immediate families, must report for duty as quickly as possible.

206.2 ACTIVATING THE EMERGENCY PLAN

The Emergency Management Plan can be activated on the order of the official designated by local ordinance.

206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Management Plan is activated, all employees of the West Sacramento Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

206.3 LOCATION OF THE PLAN

The Emergency Management Plan is available in an electronic format on the Department's F: drive. Hardcopies of the plan are also maintained in a conspicuous location by each Division Commander. All supervisors should familiarize themselves with the Emergency Management Plan.

206.4 UPDATING OF MANUALS

The Chief of Police or designee shall review the Emergency Management Plan Manual at least once every two years 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. The appendix listing personnel assignments should be updated every six months in conjunction with shift bid.

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Emergency Management Plan

206.5 EMERGENCY OPERATIONS TRAINING

The Lieutenant that oversees training or his/her designee will work with the Training Officer to ensure agency sworn personnel and civilian staff that hold key roles in emergency operations, receive annual training in the City's Emergency Operations Plan. The training can be a combination of actual applications of ICS, scenario based training, training bulletins, or in conjunction with City and/or county planned events where the application of NIMS/SEMS occurs.

Agency sworn personnel and civilian staff that hold key roles in emergency operations will also participate in biennial training consisting of a full-scale Emergency Operations Plan exercise or a tabletop exercise to assess the capabilities of the Critical Incident Response Guide and the Incident Command System.

Training

208.1 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.

208.2 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).

208.3 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. [See attachment: CALEA Accreditation Training.pdf](#)
- (c) Provide for continued professional development of department personnel.
- (d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.4 TRAINING PLAN

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

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Promotional Training Needs
- Employee Career Development

All sworn personnel will be required to complete an annual retraining program that includes legal updates.

208.5 DEPARTMENT LESSON PLANS

All instructors conducting training courses for Department personnel must have a lesson plan for each course of instruction. Instructors should utilize POST Perishable Skills Program Overview

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and Implementation Guidelines available from the Training Officer; and/or other pertinent instructor development materials in the preparation of course outlines. Submittal to POST of course approval, when necessary, will be completed by the Training Officer with the assistance of the instructor designing the course. Course outlines will be approved by the Chief of Police or his/her designee and should include the following:

- (a) Lesson plans will be developed by certified instructors;
- (b) Training Objective, describing performance and job related relevance;
- (c) Course Outline and content of training;
- (d) Hourly Distribution of formal training;
- (e) Safety policy, if required; Practical or written tests to be administered, if applicable.

All Primary instructors shall attend a POST approved instructor's course for the particular subject matter to be instructed prior to conducting department training. Personnel may serve as assistant instructors under the direction of a POST trained instructor. All internal courses of instruction will have a certified instructor present during training.

208.6 TRAINING NEEDS ASSESSMENT

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

208.7 TRAINING COMMITTEE

The Lieutenant in charge of training shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training Committee shall be comprised of members who hold key training positions within the Department, with the senior ranking member of the committee acting as the chairperson. The positions that form the Training Committee are:

- (a) Lieutenant in charge of training
- (b) Training Officer
- (c) Rangemaster
- (d) Defensive Tactics and Arrest Control Instructor(s)
- (e) Cultural Diversity and Tactical Communications Instructor(s)

The Lieutenant in charge of training may remove or replace members of the committee at his/her discretion.

The objectives of the Training Program and Training Committee are to:

- (a) Increase technical expertise and overall effectiveness of department personnel;
- (b) Provide for continued professional development of department personnel;
- (c) Establish an ongoing Training Needs Assessment;
- (d) Identify emerging training requirements or regulations;

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- (e) Approve lesson plans;
- (f) Identify and request essential training equipment and supplies.

The Lieutenant in charge of training will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

208.8 TRAINING PROCEDURES

- (a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:
 1. Court appearances
 2. First choice vacation
 3. Sick leave
 4. Physical limitations preventing the employee's participation.
 5. Emergency situations
- (b) When an employee is unable to attend mandatory training, that employee shall:
 1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
 2. Document his/her absence in a memorandum to his/her supervisor.
 3. Make arrangements through his/her supervisor and the Training Analyst to attend the required training on an alternate date.

208.8.1 TRAINING REQUESTS AND DOCUMENTATION

It is the intention of the Training Unit to provide mandated, essential and desirable training to all employees. The Training Unit will strive to accommodate all requests for training that are routed through the approval chain.

All employees are responsible for filling out a Training Request Form for any non-assigned training. The form is located in the F drive under the Training Folder. The routing and approvals for each request form are as follows:

- (a) The requesting employee fills out the Training Request Form and attaches any supporting documentation regarding the training and it's location, cost, and length.
- (b) The request will then be routed to the employee's immediate Supervisor for approval. The supervisor will then examine the training request to determine if the training is necessary for the employee to attend and determine the impact the training would have on shift staffing. It is the responsibility of the approving Sergeant to fill any vacancy created by the approved training. The Supervisor will then approve or deny the request.
- (c) The approved request will then be forwarded to the employee's Division Lieutenant for review. The lieutenant will then approve or deny the request.

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- (d) Any approved request packets will then be forwarded to the Training Analyst and the Professional Standards Lieutenant who will examine the packet and determine if the training request is required, essential or mandatory and its feasibility within the Department's training budget.

In order for the Training Unit to continue to process training in an efficient manner, post training procedures will need to be strictly adhered to.

Employees are required to attend all scheduled training unless an emergency situation arises. Any training cancellations will need to be approved by the Professional Standards Lieutenant. Failure to attend scheduled training without prior approval or cancellation may result in suspension of any future elective training for a specific time period and/or discipline.

Employees are required to turn in all travel receipts and training certificates to the Training Analyst within 2 weeks of the last day of the training. Any failure to do so, without prior authorization of the Training Analyst, will result in the suspension of any elective training for a specified amount of time and or discipline.

208.9 TRAINING REQUIREMENTS

Upon promotion or assignment change, personnel shall be sent to the appropriate training course(s) that will provide the employee with the proper skills and knowledge to effectively guide and mentor personnel under their direct control. As required, personnel should be sent to training that will update or enhance their skills.

208.10 REMEDIAL TRAINING

Remedial training is personalized to correct a specific deficiency, which is usually identified by either testing or evaluation during training, internal investigations or supervisory evaluation. Remedial training will be provided to any employee who has been identified by his/her supervisor to be deficient in any area of required competence. Remedial training can be provided through additional training by a department supervisor, Field Training Officer or required attendance of a training course.

At the time the need is identified, the employee's supervisor will establish a timeline for the completion of any remedial training. All remedial training recommendation must be approved and the remedial training must be documented.

Probationary employees must satisfactorily complete remedial training as a condition of continue employment.

208.11 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the West Sacramento Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the department's Lexipol Administrator.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the department's Lexipol Administrator. Personnel should not share their password with

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others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

208.12 BASIC ACADEMY ASSIGNMENTS

Personnel hired as a Police Recruit and assigned to attend a California POST certified law enforcement basic academy are referred to as "Police Recruits," and are not sworn peace officers. Once assigned to attend the academy, police recruits are under the direct supervision of the academy staff. The Sergeant in charge of FTO will serve as the immediate supervisor and liaison between the Department and the Academy.

208.13 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

Electronic Mail

212.1 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.

212.2 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.

212.3 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.

212.4 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.

Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDER

Personnel Orders 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.

214.2.1 SUBSECTION TITLE

214.3 ADMINISTRATIVE ORDER

An Administrative Order may be issued by the Office of the Chief of Police as a means of providing direction to all personnel. Administrative Orders supercede current policies when a conflict exists.

214.4 OPERATIONAL ORDER

Directives issued by the Office of Operations which include Training Bulletins, Operational Manuals, or directives addressing daily operational issues/procedures. An Operational Order shall supercede policy where a conflict between the two exists.

214.5 DIVISIONAL ORDER

A directive specific to operations within a Division. A Divisional Order shall not supercede an existing policy should conflict exist.

214.6 CORRESPONDENCE

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

214.7 SURVEYS

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

Patrol Staffing and Time Off Policy

216.1 PURPOSE AND SCOPE

The West Sacramento Police Department recognizes that in order to provide the community with a high level of service and enhance the effectiveness of patrol operations on a daily basis, a staffing policy must be in place. This policy will ensure that staffing levels of each patrol team remain at a level consistent with the priorities established for service to the community and concerns for officer safety.

216.1.1 DETERMINING APPROPRIATE STAFFING LEVELS

The Deputy Chief of Police will consider the following factors when determining staffing levels:

- The amount of activity that is handled by patrol personnel during their shift.
- Calculating the average amount of time required for handling routine calls for service.
- Determining an average number of priority calls, per Watch, which require two or more patrol units.
- Consideration of scheduling limitations, to include vacations, sick leave, compensatory time off, extended training periods and vacancies.

216.2 TARGETED STAFFING LEVELS

Targeted staffing levels for each Patrol Watch within the Uniformed Services Division shall be designated by the Office of Operations.

216.2.1 DISCRETIONARY TIME OFF

The staffing of patrol teams shall be maintained at the highest level possible given the resources available while still allowing for Discretionary time off.

Supervisors shall not approve requests for discretionary time off which would result in teams operating below targeted staffing levels. When assessing whether discretionary time off should be granted the supervisor must account for personnel on sick leave, extended injury leave, scheduled trainings, and other factors which could affect actual staffing levels.

Under special circumstances a sworn manager of the rank of lieutenant or higher may authorize discretionary time off which would not otherwise be authorized by under this policy. Overtime may not be used to backfill for discretionary time off without the authorization of a lieutenant.

216.3 REASSIGNMENT OF PERSONNEL

The Department recognizes that there will be times when long term absences will exist in patrol. These may be a result of extended vacations, injuries, training, or disciplinary measures. Any absence that takes a Watch below the targeted staffing levels for a sustained period of time may result in a reassignment of personnel. Such reassignments of personnel must have the approval

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of the Chief or Deputy Chief prior to their implementation. Other efforts to address deficient staffing levels shall be considered before initiating an involuntary temporary reassignment of personnel.

216.4 SHIFT EXCHANGES

Employees may be allowed to exchange shifts or portions thereof during the same payroll period with the approval of the employees' Division Commander or manager. Shift exchanges may be granted when it does not interfere with established training schedules, the operation of the Department, the safety of employees, or other applicable laws. The shift exchange shall have no effect on the hours or rate of pay for any of the employees involved in the exchange

216.5 WORKLOAD ASSESSMENT

The Department will conduct a workload assessment once every four years to examine the equalization of workloads within the organization. The Deputy Chief of Police will oversee the assessment and has the authority to delegate components of assessment to key positions within the department.

The Department will utilize information gathered from current staffing levels, current workload, and department goals as well as current staffing needs, future staffing projections, turnover rates and deployment models to analyze workloads and staffing levels. This methodology will provide immediate and projected staffing recommendations as well as provide a clear picture of workload by unit.

The assessment will culminate in a document that provides conclusions and recommendations for the distribution of work and allocation of personnel within the Police Department.

Specialized Assignments

217.1 PURPOSE AND SCOPE

In order to better serve the community, provide diversity of working assignments, and better develop its employees the West Sacramento Police Department assigns qualified employees to specialized assignments as positions become available.

217.2 REVIEW OF SPECIALIZED ASSIGNMENT POSITIONS

Each specialized program or activity will be reassessed to determine if continued specialization in each particular area is beneficial and cost effective. This assessment will occur as part of the annual budget development process and will be submitted to the Chief of Police for review. This review will include a listing of the agency's specialized assignments; a statement of purpose for each listed assignment; and an evaluation of the initial problem or condition that required the implementation of the specialized assignment.

217.3 ANNOUNCEMENT OF ANTICIPATED OPENINGS

The West Sacramento Police Department will announce anticipated openings for specialized assignments agency wide and will fill those positions through a selection process.

217.4 SELECTION PROCEDURE

Vacancies for specialized positions are generally filled by means of a process to include an agency wide request for letters of interest followed by an administrative review. However, certain specialized assignments require a process which utilizes additional selection components not included in the general selection process. The specific selection process for these particular specialized assignments can be found within the general order describing the particular specialized position (i.e. the selection procedure for appointment to SWAT can be found within Policy 408 - Tactical Response and Negotiations/Crisis Teams).

Final approval and appointment of personnel to specialized assignments will be at the discretion of the Chief of Police or his designee. The factors weighed in the selection decision may include:

- Currently held position
- Currently held specialty assignments or auxillary duties
- Training and work schedule availability
- The needs of the department

217.5 ROTATIONAL, COLLATERAL AND TEMPORARY ASSIGNMENTS

Rotational, collateral, and temporary assignments allow employees to become familiar with other duties and tasks. The Chief of Police, with input from the sworn management group and subordinate supervisors, selects employees for temporary, rotational, and specialized assignments in a manner consistent with the applicable language in the appropriate collective bargaining agreement. The durations of such assignments vary, depending upon the needs of the agency and the nature of the assignment.

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Rotational Assignments and collateral duties are typically differentiated by the nature of the position. A typical collateral assignment is accomplished in addition to one's regular duties while a typical rotational assignment replaces the individual's regular duties. The duration of most rotational assignments is four (4) years with the potential for unlimited one (1) year extensions of service. The duration of rotational assignments to the positions of Professional Standards Sergeant, School Resource Officer, Intelligence Officer, and Yolo County Narcotics Agent Team Agent is three (3) years with the potential for unlimited one (1) year extensions of service.

Retention of an employee in a rotational appointment, to include service from year to year during the initial four (4) or three (3) year period, is contingent upon the receipt of a satisfactory evaluation and recommendation of continued service in the assignment at the conclusion of each year of service. Individuals who are removed from a rotational appointment or collateral duty for cause may appeal such decision to the Director of Human Resources & Labor Relations. The decision of the Director of Human Resources & Labor Relations may be further appealed to the City Manager who will render the final decision.

Extensions shall only be granted to individuals who receive a satisfactory evaluation recommending an additional year of service in the position. The Chief of Police shall make the final determination as to whether any extension will be granted. The rotational position of "Officer In Charge / Senior Lead Officer" is a positional assignment which exists only on specific teams as designated by the Chief of Police.

The duration of collateral assignments are intentionally not specified.

The following assignments are rotational appointments: Canine Officer, Special Investigations Unit Sergeant, Special Investigations Unit Officer, Detective Sergeant, Detective, Officer In Charge / Senior Lead Officer, Professional Standards Sergeant, School Resource Officer, Special Uniformed Services Sergeant, Traffic/Motor Officer, Yolo County Narcotics Enforcement Team Agent.

The following assignments constitute collateral assignments: SWAT Team Member, Bicycle Uniformed Services Officer, Boating Safety Officer, Community Liaison Officer, Department instructor (Defensive Tactics, Firearms, Driving, etc.), Explosive Ordinance Disposal Officer, Field Training Officer, Homeland security/Port Liaison, Honor Guard, Part-time Traffic/Motor Officer

Any position within the Department is capable of being filled by a temporary assignment of personnel when the needs of the Department require such action to be taken. All rotational, temporary, and collateral appointments serve at the discretion of the Chief of Police.

217.6 PUBLIC INFORMATION OFFICER COMPENSATION

The position of Public Information Officer is a collateral assignment and is accomplished in addition to one's regular duties. Members of the unit will be required to perform the duties of Public Information Officer on a rotational on-call basis. During this period of on-call, the member will be compensated. The on-call list shall be established and maintained by the Public Information Officer Sergeant or Supervisor over the Public Information Officer Program.

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The City and the Association have determined that the amount of compensable off-duty working time attributable to the routine performance of duties of the Public Information Officer is four (4) hours per week. This determination is the result of a good faith estimate by the City and the Association and is intended to be comprehensive, accurate and inclusive of all pertinent facts. The compensation for additional off-duty time shall be paid at the rate of time and one-half (1.5) their regular rate of pay.

No employee shall work more than four (4) hours per week in the performance of Public Information Officer of tasks without the express direction of the Public Information Officer Sergeant or Manager over the Public Information Officer Program. All extraordinary work involving the public information will be compensated at the rate of time and one-half (1.5) their regular rate of pay. Extraordinary work includes, but is not limited to, unanticipated trips for emergency call outs, special training not normally conducted on a daily or scheduled basis, and any work which causes a substantial increase in work time beyond that which is authorized. Absent exigent circumstances, all such overtime must be authorized, in advance, by the Public Information Officer Sergeant or Supervisor over the Public Information Officer Program.

License to Carry a Firearm

218.1 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.

218.1.1 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).

218.2 POLICY

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

218.3 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 West Sacramento (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) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied.
- (g) Provide proof of ownership or registration of any firearm to be licensed.
- (h) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).
- (i) Complete required training (Penal Code § 26165).

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218.4 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.

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 Department of Justice (DOJ) determines that the applicant is prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26195).

218.4.1 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 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 no cost to the applicant.
 - 2. If an incomplete application package is received, the Chief of Police or the 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).
- (b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.
 - 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 (a) or (b) (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.

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- (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 the 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).

218.4.2 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 the authorized designee. During this stage, there will be further discussion of any potential restrictions or conditions that might be placed on the license.
- (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 (Penal Code § 26165).
- (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.

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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).

218.5 ISSUED FIREARMS PERMITS

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, display 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(a) or (b), 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.

218.5.1 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.

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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 modifications shall void any license and serve as grounds for revocation.

218.5.2 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 (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.

218.5.3 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) The licensee has violated any of the restrictions or conditions placed upon the license.
- (b) The licensee becomes psychologically unsuitable to carry a firearm.
- (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 for the original issuance of the license.

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- (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).

218.5.4 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.
- (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 the 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).

218.6 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
- (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.

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218.7 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 § 7923.808).

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 the applicant's family shall not be considered public record (Government Code § 7923.800).

Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of West Sacramento Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

220.2 POLICY

It is the policy of the West Sacramento Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

220.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

- (a) Separated from service in good standing from this department as an officer.
- (b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
- (c) Has not been disqualified for reasons related to mental health.
- (d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
- (e) Is not prohibited by federal law from receiving or possessing a firearm.

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

The LEOSA identification card should contain a photograph of the former officer and identify him/her as having been employed as an officer.

If the West Sacramento Police Department qualifies the former officer, the LEOSA identification card or separate certification should indicate the date the former officer was tested or otherwise found by the Department to meet the active duty standards for qualification to carry a firearm.

220.3.2 AUTHORIZATION

Any qualified former law enforcement officer, including a former officer of this department, may carry a concealed firearm under 18 USC § 926C when he/she is:

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement

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agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.
 - (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - (c) Not prohibited by federal law from receiving a firearm.
 - (d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

Any full-time sworn officer of this department 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).

- (a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.
- (b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

220.4.1 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) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

220.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The West Sacramento 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):

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- (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.

220.4.3 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).

220.5 FORMER OFFICER RESPONSIBILITIES

A former officer with a card issued under this policy shall immediately notify the Watch Commander 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.

220.5.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain a LEOSA identification card, the former officer shall:

- (a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
- (d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

220.5.2 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 (Penal Code § 26305):

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.
- (b) Remain subject to all applicable department policies and federal, state and local laws.
- (c) Not engage in conduct that compromises public safety.
- (d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

220.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or

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revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

220.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement 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 Watch Commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

- (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) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander 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.
 - 1. 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).

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2. The Watch Commander 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.
3. 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.
 - (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.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander 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 Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

220.8 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.

Chapter 3 - General Operations

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 member 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.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy (Policy 1009).

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.

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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.

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 (as defined by Government Code § 7286) 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 immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

300.2.4 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (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

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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 or authorized 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.

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.

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- (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.
- (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 DE-ESCALATION

De-escalation - Employing techniques to stabilize a situation, to increase the ability to modulate the types and applications of force, to decrease the likelihood of the need to use force, and to increase the likelihood of voluntary compliance.

Officers shall use only that amount of force necessary under the circumstances presented that they reasonably believe is required. When using force, officers shall continuously reassess the perceived threat to select a reasonable use of force response. When reasonable under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate situations. De-escalation techniques include, but are not limited to, gathering information about the incident; assessing risks; gathering resources (personnel and equipment); using time, distance, cover; using crisis intervention techniques; and communicating and coordinating a response.

300.3.4 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.

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- (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.

300.3.5 CAROTID RESTRAINT OR CHOKE HOLD

The West Sacramento Police Department prohibits the use of any control technique intended to restrict the intake of oxygen or blood flow to the brain for the purpose of gaining control of a subject. Choke holds, carotid restraints or any other Use of Force technique that intentionally restricts oxygen intake or blood flow to the brain has the potential to result in serious injury or death. Such applications can result in physical injuries that can prevent successful medical interventions. This prohibition on carotid restraints or choke holds does not apply to encounters where deadly force would be reasonable or appropriate.

300.3.6 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 West Sacramento Police Department for this specific purpose.

300.3.7 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:

- (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)). 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.

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300.3.8 RESTRICTIONS ON THE USE OF A CHOKE HOLD OR CAROTID RESTRAINT

Officers of this department are not authorized to use a choke hold or carotid restraint. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person's trachea or windpipe (Government Code § 7286.5). This prohibition on carotid restraints or choke holds does not apply to encounters where deadly force would be reasonable or appropriate.

300.3.9 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence, or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once controlled, the individual should be placed into a recovery position (e.g., supine or seated) and monitored for signs of medical distress (Government Code § 7286.5).

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).

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

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present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury 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 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 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 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 a member 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

Any use of force by an officer shall be reported immediately to a supervisor, including but not limited to the following circumstances (Penal Code § 832.13):

- (a) The application caused a visible injury.

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

As used in this subsection, “immediately” means as soon as it is safe and feasible to do so.

300.5.2 ADMINISTRATIVE REVIEW OF USE OF FORCE REPORTS **REPORTING PROCEDURES**

A. Reporting the Use of Non-Deadly Force

1. As soon as practical following the incident, the supervising sergeant shall be notified of the application of physical force under any of the following circumstances:

- The application of force appears to have caused physical injury
- The individual has expressed a complaint of pain
- Any application of O.C., chemical agents, or any control device (i.e. police baton, Taser, etc.)
- The person has been rendered unconscious

2. Personnel on scene shall take all reasonable steps to obtain emergency medical attention for all apparently injured persons.

3. If they are capable, and with regards to legal considerations, any involved officer will submit a detailed crime report and narrative describing the use of force and events leading to it.

4. If at all possible, where any force has been used in taking a person into custody, an uninvolved officer shall be responsible for prisoner transport, booking, and further contact with the arrestee. It is the specific intent of this provision to limit contact between the prisoner and the officer who used force in effecting an arrest.

5. The supervising sergeant or Officer In Charge shall:

- Respond to the scene and review the situation.
- 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.

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- If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects. Public safety information shall be limited to such things as outstanding suspect information, type of force used, parameters of the incident scene, identity of known witnesses, and similar information.
- Interview any witnesses to the use of force or ensure that witnesses are identified for later interviews. Witnesses should be listed on the crime report. A canvas of the area shall be completed in order to identify any potential witnesses.
- The supervising sergeant shall take all reasonable steps to obtain emergency medical attention for all apparently injured persons.
- Ensure the person is properly transported.
- Document any injuries received by anyone present and include any medical reports and/or photographs with the crime report. Check the area for audio or video surveillance and secure it as evidence for the crime report.
- When appropriate, and subject to the legal standards under *Miranda v Arizona*, 384 U.S. 436 (1966), interview the person upon whom the force was used. It is the intent of this provision that the supervising sergeant, or other supervisor, be responsible for a full statement from the subject regarding the underlying offense and the use of force. Any statement relating to the criminal charges shall be attached to the crime report. If the person decides to exercise his/her rights under *Miranda v Arizona*, 384 U.S. 436 (1966), no further questioning shall occur
- Complete a "Blue Team" entry regarding the use of force and attach it to a complete copy of the crime report that describes the incident and use of force to this entry. The "Blue Team" entry and accompanying/attached complete copy of the report shall be forwarded to the lieutenant for the officer who used the force for review as soon as possible and no later than 3 days from the date the force was used.

6. The lieutenant shall:

- Conduct an administrative review of the use of force and whether it was in compliance with this order. The Lieutenant may consult with the Deputy Chief of Police, who can direct any additional internal investigation pursuant to Policies 340 and 1020.
- Complete and forward the "Blue Team" entry with their comments and a complete copy of the crime reports to the Professional Standards Unit, who shall be responsible for maintaining the file.
- Forward a copy of the "Blue Team" entry and a copy of the crime report to the Police Chief, via the Chain-of-Command, for his/her review.

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300.5.3 RELIEF FROM DUTY PENDING ADMINISTRATIVE REVIEW

When a member of the West Sacramento Police Department uses force that results in the death of any person, the Chief of Police will place the member on paid, administrative leave, pending an administrative review of the event. If a member inflicts serious physical injury to any person, the Chief of Police may temporarily relieve the member from duty, pending an administrative review.

When a member is involved in an incident that results in a person's death or serious injury, the Chief of Police will temporarily remove the member from a line-duty assignment and require the member to participate in an agency stress/traumatic incident counseling program coordinated through the employee assistance program. The member's immediate supervisor shall ensure the scheduling of the counseling and that the member attends. The Chief of Police maintains the final authority as to when the member may return to a line-duty assignment.

300.5.4 ANNUAL ANALYSIS OF USE OF FORCE REPORTS

The Administrative Division produces an annual report, which summarizes the analysis he/she has completed into all documented use of force incidents. The analysis contains the following information:

- Identity of the officer or supervisor affecting the use of force.
- The officer or supervisor's assignment.
- Number of incidents.
- Individual's actions.
- Officer or supervisor's response.

Tools used The Professional Standards Sergeant distributes a copy of the annual use of force summary report to the Chief of Police, the Training Manager, and all staff personnel with the rank of Lieutenant and above.

Staff personnel review the report and use it to make recommendations for future training needs. The Lieutenant in charge of Training uses the annual use of force summary report to plan any necessary modifications to training procedures.

300.5.5 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 Section Policy.

300.6 MEDICAL CONSIDERATIONS

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

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pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual 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, 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.

See the Medical Aid and Response Policy for additional guidelines.

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.

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- (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 and to address any training issues.

300.8 TRAINING

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

Subject to available resources, the Training Manager 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.

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

300.9 USE OF FORCE ANALYSIS

At least annually, the Professional Standards Division Commander 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 members.
- (b) Training needs recommendations.

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- (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)).

Use of Force Review Boards

302.1 PURPOSE AND SCOPE

This policy establishes a process for the West Sacramento Police Department to review the use of force by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The West Sacramento Police Department will objectively evaluate the use of force by its members to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

The Use of Force Review Board will also investigate and review the circumstances surrounding every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use.

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

The Deputy Chief of Police will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Commander or supervisor of the involved employee to notify the Deputy Chief of Police of any incidents requiring board review. The involved employee's Division Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

302.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board consists of the following:

- Deputy Chief of Police
- Division Commanding of the involved officer
- A peer officer

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The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

A Department instructor for the type of weapon, device or technique used and the Training Manager will also be present in an observer capacity.

302.4.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

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). Other members may provide questions to these members.

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

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be

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forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

Handcuffing and Restraints

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

The West Sacramento 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.

305.3 USE OF RESTRAINTS

Only members who have successfully completed West Sacramento 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.

305.3.1 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.

305.3.2 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).

305.3.3 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.

305.3.4 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.

305.4 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.

305.5 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

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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.

305.6 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.

305.7 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).

305.7.1 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.
- (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.

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- (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).

305.8 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.

305.9 TRAINING

Subject to available resources, the Training Manager 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.
- (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.

Control Devices and Techniques

307.1 PURPOSE AND SCOPE

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

307.2 POLICY

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

307.3 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 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.

307.4 RESPONSIBILITIES

307.4.1 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.

307.4.2 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.

307.4.3 USER RESPONSIBILITIES

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

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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. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

307.5 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.

307.6 TEAR GAS GUIDELINES

All deployment considerations of chemical agents and kinetic devices shall adhere to the rules set forth by California Penal Code section 13652(a).

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 Tactical 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.

307.7 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.

307.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster on the equipment belt or loadbearing vest. 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.

307.7.2 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.

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307.8 OC FRANGIBLE IMPACT ROUND AND LIVE-X PAVA ROUND

OC impact and Live-X/Pava rounds are impact rounds that are filled with a derivative of OC powder which may be used by authorized personnel. Because the launchers deliver 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 OC impact or Live-X/Pava rounds 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 OC impact or Live-X/Pava rounds shall notify a supervisor as soon as practicable. A supervisor shall respond to all 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 OC impact or Live-X/Pava rounds shall be documented. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of these rounds, such as training and product demonstrations is exempt from the reporting requirement

307.9 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.

307.10 KINETIC ENERGY PROJECTILE GUIDELINES (LESS-LETHAL WEAPON SYSTEMS)

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.

307.10.1 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.

The 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.

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- (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.

307.10.2 DEPLOYMENT CONSIDERATIONS

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

- (a) Distance and angle to target.
- (b) Type of munitions deployed.
- (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.

307.10.3 SAFETY PROCEDURES

40MM launchers specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

Officers will inspect the 40mm launcher and projectiles at the beginning of each shift to ensure that the 40mm launcher 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 40mm launcher will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile 40mm launcher, the officer shall visually inspect the kinetic energy projectiles to ensure the correct ammunition is being loaded into the 40mm launcher.

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307.11 AUTHORIZED WEAPON SYSTEMS

The department currently utilizes two different less-lethal, and one non-lethal weapon system:

- (a) Less-Lethal Shotgun
- (b) 40mm Launcher
- (c) Pepperball Launcher (non-lethal)

307.11.1 LESS-LETHAL SHOTGUN

Approved less-lethal shotguns are identified by a bright orange stock and fore-end. Approved kinetic energy weapons may be used to compel an individual to cease his/her actions when such weapons present a reasonable option.

When issued, less-lethal shotguns shall be stored and locked in the users assigned patrol vehicle. The less-lethal shotgun will be carried with the chamber empty, the action closed and the safety on. This will be identified as the "SAFE STORAGE" method. The less-lethal shotgun magazine shall be filled with four bean bag rounds and the side saddle shell holder shall be filled with additional bean bag rounds. All trained and assigned sworn patrol personnel shall carry a less-lethal shotgun in the above-described manner while on-duty. Additionally, when loading, the assigned officer should have a safety officer standing by to observe the correct ammunition is loaded into the weapon.

307.11.2 40MM LAUNCHER

Officers will inspect the 40mm launcher and projectiles at the beginning of each shift to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects. Launchers will be stored and secured in the patrol armory when not assigned. Each launcher has (2) CTS model 4557, 40mm exact impact foam baton projectiles (BLACK TIP) clipped into the attached holder. All other authorized projectiles for patrol use will be store in the patrol supervisor's vehicle.

When not deployed, the 40mm launcher will be unloaded, and properly secured in the assigned officers vehicle. When deploying the 40mm launcher, the officer shall visually inspect the weapon and its projectiles, ensuring the correct projectiles have been loaded into the launcher.

307.11.3 PEPPERBALL LAUNCHER

Officers will inspect the Pepperball launcher and projectiles at the beginning of each shift to ensure that the launcher is in proper working order and the projectiles are of the approved type and appear to be free from defects. When not assigned, launchers will be stored and secured in the main armory when not in use.

When not deployed, Pepperball launchers shall be stored and locked in the users assigned patrol vehicle. The launcher will be carried with the chamber empty, the action closed and the safety on. This will be identified as the "SAFE STORAGE" method. When deploying the launcher, the officer shall visually inspect the weapon and its projectiles, ensuring the correct projectiles have been loaded into the hopper.

307.12 APPROVED KINETIC ENERGY PROJECTILES/MUNITIONS

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307.12.1 LESS-LETHAL SHOTGUN MUNITIONS

The current Department approved Kinetic Energy Projectiles for the less lethal shotgun is the Combined Tactical Systems (CTS) 2581 Super Sock. The maximum effective range is 75 feet per the manufacturer. There is no minimum distance for deployment; however, officers should consider weapon retention, possible weapon malfunctions and the proximity of other officers involved. The velocity of the less lethal round is highest at the muzzle; therefore, officers should consider that the risk for severe injury is higher at shorter distances. At no time should the muzzle of the less lethal shotgun be pressed against the suspect.

307.12.2 40MM IMPACT LAUNCHER MUNITIONS

Combined Tactical Systems (CTS) model 4557, 40mm exact impact foam baton projectile (BLACK TIP): A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 260 FPS. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than 5 feet and as far as 40 yards from the target.

Combined Tactical Systems (CTS) model 4556, 40mm direct impact, oleoresin capsicum (OC) projectile (ORANGE TIP): A less lethal 40mm lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 320 FPS. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than 5 feet and as far as 50 yards from the target.

Combined Tactical Systems (CTS) model 4551, 40mm Rubber-Foam, Smokeless Multi-Projectile (3) (SILVER CASING): This projectile delivers 3 separate, rubber baton pucks with each deployment. It can be fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 350 FPS. The 40mm Rubber-Foam Projectile provides effective performance when skip fired 3-10 feet in front of the target. It is intended to target the area below the belt line and suitable for crowd control and/or riotous events. The shot pattern increases over distance the further away from the target.

307.12.3 PEPPERBALL LIVE-X/PAVA MUNITIONS

A non-lethal frangible .68 caliber sphere containing 2.5 grams of 2.5% PAVA powder (PAVA powder is a synthetic version of capsaicin or "OC," which is an irritant found in chili peppers).

The pepperball is fired from purpose-built pepperball guns that are energized by a compressed air at 280-425 fps and delivers 8.85 -20.65ft/lbs. of kinetic energy on impact in addition to the dispersion of synthetic irritant. Pepperballs can be fired accurately and effectively to a distance of 60 feet.

Whenever deploying any Kinetic Energy Weapon system, the need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head, neck, thorax, spine, 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.

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Any person struck by a kinetic energy projectile shall be transported to a hospital for examination and to obtain a medical clearance. Upon receiving medical clearance, the officer shall notify the jail staff of the use of the projectile and the subsequent medical clearance.

307.13 TRAINING FOR CONTROL DEVICES

The Training Manager 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.
- (d) Only approved less-lethal projectiles or munitions shall be used. At no time shall officers deploy any unauthorized projectile without prior approval from the Watch Commander or designee.

307.14 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 reported pursuant to the Use of Force Policy.

Conducted Energy Device

308.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of TASER devices.

308.2 POLICY

The TASER® device 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.

308.3 ISSUANCE AND CARRYING TASER DEVICES

Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member'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 device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person. Non-uniformed officers may secure the TASER device in the driver's compartment of their vehicle.

Members carrying the TASER device should perform a spark test on the unit prior to every shift.

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

- (a) All TASER devices 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 device.
- (c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.
- (d) Officers should not hold both a firearm and the TASER device at the same time.

308.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the TASER 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:

- (a) Provide the individual with a reasonable opportunity to voluntarily comply.
- (b) Provide other officers and individuals with a warning that the TASER device 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 laser in a further attempt to gain compliance prior to the application of the TASER device. 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 device in the related report.

308.5 USE OF THE TASER DEVICE

The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device 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.

308.5.1 APPLICATION OF THE TASER DEVICE

The TASER device 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 device to apprehend an individual.

308.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the TASER device 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 device 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 device shall not be used to psychologically torment, elicit statements or to punish any individual.

308.5.3 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 device 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.

308.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device 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 device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device, 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 device at a time against a single subject.

308.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all TASER device 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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308.5.6 DANGEROUS ANIMALS

The TASER device 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.

308.5.7 OFF-DUTY CONSIDERATIONS

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

Officers shall ensure that TASER devices 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.

308.6 DOCUMENTATION

Officers shall document all TASER device discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy.

308.6.2 REPORTS

The officer should include the following in the arrest/crime report:

- (a) Identification of all personnel firing TASER devices
- (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

308.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove TASER device probes from a person's body. Used TASER device 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 device 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 device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
- (e) The person requests medical treatment.

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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 device.

308.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor shall review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory shall be downloaded through the data port by a supervisor or Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses (including police employees) interviewed. After use, a TASER shall not be returned to service until the device's onboard memory has been properly downloaded and saved.

308.9 TRAINING

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

Proficiency training for personnel who have been issued TASER devices 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 Manager. All training and proficiency for TASER devices will be documented in the officer's training file.

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

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

The Training Manager is responsible for ensuring that all members who carry TASER devices have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Training Manager should ensure that all training includes:

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- (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 device and transitioning to other force options.
- (f) De-escalation techniques.
- (g) Restraint techniques that do not impair respiration following the application of the TASER device.

Officer-Involved Shootings and Deaths

309.1 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 another 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.

309.2 POLICY

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

309.3 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.

309.4 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.

309.4.1 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 West Sacramento Police Department would control the investigation if the suspect's crime occurred in West Sacramento.

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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309.4.2 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.

309.4.3 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.

309.5 INVESTIGATION PROCESS

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

309.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting, the first uninvolved WSPD 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.

309.5.2 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.

309.5.3 NOTIFICATIONS

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

- Chief of Police
- Investigation Division Commander
- officer-involved shooting protocol rollout team
- Outside agency investigator (if appropriate)

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

309.5.4 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved WSPD supervisor should ensure completion of the duties as outlined above, plus:

- (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 WSPD 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 Yolo Emergency Communications Agency. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional WSPD members 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.
 1. Each involved WSPD officer should be given an administrative order not to discuss the incident with other involved officers or WSPD members pending further direction from a supervisor.
 2. 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 or transported by other officers.

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309.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - 1. Involved WSPD 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-WSPD 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 WSPD officer. A licensed psychotherapist may also be provided to any other affected WSPD members, upon request.
 - 1. Interviews with a licensed psychotherapist will be considered privileged.
 - 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.
 - 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications between the involved officer and a peer support member are addressed in the Wellness Program Policy.

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 WSPD 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.

309.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Watch Commander should promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, "unarmed civilian" means anyone who is not in possession of a deadly weapon (Government Code § 12525.3).

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309.6 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.

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) WSPD supervisors and Professional Standards Bureau personnel should not participate directly in any voluntary interview of WSPD 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 the officer's choosing or an attorney prior to speaking with criminal investigators. 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.

309.6.1 REPORTS BY INVOLVED WSPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved WSPD 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 WSPD 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 WSPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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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.

309.6.2 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 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.

309.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Detective Bureau supervisor 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 may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Detective Bureau supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

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309.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of WSPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards Bureau and will be considered a confidential officer personnel file.

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 Professional Standards Bureau shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

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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.

309.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may 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 City Attorney's Office, as appropriate.

309.9 CIVIL LIABILITY RESPONSE

A member of this 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.

309.10 DEBRIEFING

Following an officer-involved shooting or death, the West Sacramento Police Department should conduct both a Critical Incident Stress Debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

309.10.1 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.

309.11 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. Releases will be

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available to the Watch Commander, Investigation Division Commander and Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved WSPD officer to visits by the media (Government Code § 3303(e)). No involved WSPD 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.

309.12 REPORTING

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

309.13 TRAINING

The Department will ensure process training for personnel responsible for managing officer-involved incidents. Additionally awareness training will be provided on an annual basis for all personnel potentially impacted by an officer-involved shooting or death.

Firearms

311.1 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 members who are authorized to carry firearms.

311.2 POLICY

The West Sacramento Police Department will equip its members with firearms to address the risks posed to the public and department members 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.

311.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member 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 members in the performance of their official duties without the express written authorization of the member's Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

311.3.1 HANDGUNS

The authorized department-issued primary handgun is the Glock model 17. All handguns carried on-duty as a primary sidearm must be 40 S&W, or .45 ACP or 9 mm caliber, single or double action semi-automatic pistol, with barrel length of 3 to 5 inches (minimum 3.5 inches for uniformed officers), and capable of firing ammunition approved by the Department. These firearms must also be dark gun-metal or stainless in color with handgrips that are black or brown in color. Sworn personnel are also authorized to carry handguns for use on duty as their secondary or back-up firearm.

Officers who choose to carry a primary handgun other than the Glock model 17 or a secondary firearm, are personally responsible for purchasing of the firearm itself along with an appropriate holster, magazine holders, and magazines.

All other firearms used by Department personnel, including, handguns, rifles, carbines, sub-machine guns and any other handguns or specialized firearms, shall require advanced approval

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from the Rangemaster prior to obtaining approval from the Police Chief or his/her designee. Approval will be determined by the intended use of the firearm, and subject to the same standards required of handguns. The Department recognizes that the specialized nature of these weapons precludes broad policy statements regarding their use or specifications.

311.3.2 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR-15 and the Smith & Wesson M&P 15. Members may deploy the patrol rifle in any circumstance where the member 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 member reasonably anticipates an armed encounter.
- (b) When a member is faced with a situation that may require accurate and effective fire at long range.
- (c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
- (d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- (e) When a member 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. A loaded magazine may be inserted into the rifle. The bolt shall be closed, and the safety selector switch placed in the "on/safe" position. No live cartridge shall be chambered while the rifle is stored in the vehicle. This method will be recognized as the "Patrol Ready" format. If the vehicle is not equipped with a locking device, the officers shall store their rifles unloaded, and secured in the trunk of their assigned police vehicle while on duty. At no time shall rifles be left in any police vehicle for extended periods. At the end of the assigned shift, the patrol rifle will be returned and secured in the department armory. If officers cannot gain access to the department armory, rifles may be stored temporarily in their assigned locker. Officers must notify their immediate supervisor when doing this.

311.3.3 PERSONALLY OWNED DUTY FIREARMS

Members desiring to carry an authorized but personally owned duty firearm must receive advanced approval from the Rangemaster prior to obtaining approval from the Police Chief or his/her designee. Once approved, personally owned firearms are subject to the following restrictions:

- (a) The firearm shall be in good working order and from a reputable manufacture/brand and of high quality.
- (b) At no time may personnel carry any firearm which has been built or fabricated by them or a dealer.

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- (c) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (d) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (e) Members 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.
- (f) Examples of recommended manufactures are Glock, Colt, Sig Sauer, Smith & Wesson, Kimber, Springfield Armory, Bushmaster, DPMS, LWRC, BCM etc.
- (g) If an officer's personally owned firearm is used in the commission of an on-duty incident and is secured as evidence, the officer will be issued a department owned firearm for use while on-duty.

311.3.4 AUTHORIZED SECONDARY HANDGUN

Members desiring to carry department or personally owned secondary handguns are subject to the following restrictions:

- (a) The handgun shall be in good working order and from a reputable manufacture/brand and of high quality.
- (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 member unless the handgun and ammunition are provided by the Department.
- (d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
- (e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
- (g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

311.3.5 AUTHORIZED OFF-DUTY FIREARMS

The carrying of firearms by members while off-duty is permitted by the Chief of Police but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to

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carry a firearm while off-duty, based on their authority as peace officers, will be required to meet the following guidelines:

- (a) The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) The firearm shall always be carried concealed and in such a manner as to prevent accidental unintentional cocking, discharge, or loss of physical control.
- (c) When armed, officers shall carry their badges and/or their West Sacramento Police Department identification cards under circumstances requiring possession of such identification.

311.3.6 AMMUNITION

Members shall carry only department-authorized ammunition. Members shall be issued fresh duty ammunition in the specified quantity for all department-issued firearms during the member's firearms qualification. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

311.4 EQUIPMENT

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member. It is the responsibility of each member to clean and regularly inspect their department issued firearm.

311.4.1 REPAIRS OR MODIFICATIONS

Each member 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 may be repaired or modified only by a person who is department-approved or 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 member's personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster.

311.4.2 RECEIPT AND INSTRUCTION

- (a) The West Sacramento Police Department distributes its use of force through a written directive system. Each supervisor is responsible for ensuring his subordinates receive a copy of the policy on the use of force. He/she reviews the material with his subordinates and provides them with any necessary instruction. Subordinates acknowledge receipt of the written directive by signing a Training Roster. Patrol

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Sergeants must ensure all new officers and supervisors receive a copy of the use of force policy during orientation. Supervisors issue each subordinate a copy of the use of force policy anytime a revision to the policy occurs.

- (b) Due to its importance, police officers may not carry lethal or less than lethal weapons before review and acknowledgment of his/her understanding of the agency's use of force policy.
- (c) The Shift Sergeant, and/or the range staff, will review the use of force policy with all sworn personnel during the weapons qualifications program. Personnel take a written exam concerning the use of force policy as part of the field-training program. The exam covers the use of deadly force and rendering medical attention after a use of force. An officer must attain a minimum score of 80% to pass.
- (d) The West Sacramento Police Department prohibits any sworn police officer from carrying a firearm until he meets the requirements of this Section.

311.4.3 HOLSTERS

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

311.4.4 TACTICAL LIGHTS

Tactical lights may only be installed on a firearm carried on-duty after they have been examined and approved by the Rangemaster. Once the approved tactical lights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

311.4.5 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 sighting system shall only be installed in strict accordance with manufacturer specifications.

Red dot or Reflex optics shall only be mounted in conjunction with raised iron sights (back up sights or BUS) and shall not be mounted in such a way that will obstruct the use of the iron sights. The iron sights shall "co-witness" with the optics.

CO-WITNESS: This refers to the double verification of the target that occurs when you line up your iron sights with the red dot or reflex sight. In an absolute co-witness sight picture, the dot should rest right on the top of the front sight (touching the sight). In a lower third co-witness sight picture, the dot should rest above or within the lower third of the sight window. The co-witness position is up to the individual officer.

Once approved sights or optics have been properly installed, it is incumbent upon the member to show proficiency to ensure proper functionality and sighting of the firearm prior to carrying it

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on duty. Officers will also be required to attend initial department approved training and qualify with the firearm.

If officers choose to carry the approved optics or sights, it is the responsibility of the officer to purchase their own firearm, sighting system and duty holster. At no time will department issued firearms be modified or machined to accommodate the optics or sights. If the department issued firearm is factory milled to receive the optics or sights, only then may officers have them installed at their own expense.

Recommended red dot optic brands are Trijicon, Leupold and Vortex. Other brands may be considered with approval from the Rangemaster

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

311.5 SAFE HANDLING, INSPECTION AND STORAGE

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

- (a) Members shall not unnecessarily display or handle any firearm.
- (b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
- (c) Members 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 using the appropriate clearing barrels.
- (e) Members 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. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.
- (f) Members 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 a member 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 the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

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311.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Less than lethal 40mm launchers and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the Less than lethal 40mm launcher and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment lockers. Handguns may remain loaded if they are secured in an appropriate holster. Less than lethal 40mm launchers and rifles shall be unloaded in a safe manner outside the building and then stored in the appropriate equipment storage room.

311.5.2 STORAGE AT HOME

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

311.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member's senses or judgment.

311.5.4 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).

311.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training once per year with their duty firearms. All members will qualify annually with their duty firearms. Members will qualify with secondary firearms once a year. Training and qualifications must be on an approved range course.

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At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

311.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period.

Those who fail to meet minimum standards or qualify on their first shooting attempt shall be provided remedial training and will be subject to the following requirements:

- (a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
- (b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
- (c) No range credit will be given for the following:
 - 1. Unauthorized range make-up
 - 2. Failure to meet minimum standards or qualify after remedial training

Members who repeatedly fail to meet minimum standards will be removed from field assignment and may be subject to disciplinary action.

311.7 FIREARM DISCHARGE

Except during training or recreational use, any member 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 member 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 member 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, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

311.7.1 DESTRUCTION OF ANIMALS

Members 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.

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

311.7.2 INJURED ANIMALS

With the approval of a supervisor, a member 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 veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

311.7.3 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 member reasonably believes that they appear necessary, effective and reasonably safe.

311.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

The range shall remain operational and accessible to department members 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 members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility for ensuring each member meets the minimum requirements during training shoots and, on at least a yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

The Rangemaster shall complete and submit to the Training Manager documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved

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by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Manager.

311.9 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 West Sacramento 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 West Sacramento Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the West Sacramento 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.
- (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. 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.

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

311.10 CARRYING FIREARMS OUT OF STATE

Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

- (a) The officer shall carry his/her West Sacramento Police Department identification card whenever carrying such firearm.
- (b) The officer is not the subject of any current disciplinary action.
- (c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (d) The officer will remain subject to this and all other department policies (including qualifying and training).

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas. All officers should familiarize themselves with the Law Enforcement Officer Safety Act (LEOSA).

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.

Vehicle Pursuits

313.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved officers, the public, and fleeing suspects.

313.1.1 DEFINITIONS

Blocking - A low-speed tactic where one or more authorized police department 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.

313.2 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code

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§ 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

313.2.1 FACTORS TO CONSIDER WHEN INITIATING 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 supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
- (e) Whether 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 department 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.
- (l) Subjects riding a motorcycle or off-road vehicle without a helmet.

313.2.2 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 present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect's escape.

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The factors listed in 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.

If an officer encounters an obvious juvenile, not wearing a helmet, exceeding the speed limit and riding a motorcycle the juvenile should not be pursued.

313.2.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Evaluation of vehicle speeds 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.

313.3 PURSUIT UNITS

When involved in a pursuit, unmarked police department 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.

313.3.1 MOTORCYCLE OFFICERS

When involved in a pursuit, police department motorcycles should be replaced by marked four-wheel emergency vehicles as soon as practicable.

313.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

313.3.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless 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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313.3.4 SECONDARY UNIT RESPONSIBILITIES

The second officer in the pursuit will be designated as the secondary unit and is responsible for:

- (a) Immediately notifying the dispatcher of entry into the pursuit.
- (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.

313.3.5 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.

313.3.6 PURSUIT TRAILING

In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the

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termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

313.3.7 AIR SUPPORT ASSISTANCE

When available, air support assistance should be requested. Once the air unit 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.

The air unit 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 the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

313.3.8 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.

313.4 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor 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 supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
- (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.

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- (h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
- (i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
- (j) Controlling and managing West Sacramento Police Department units when a pursuit enters another jurisdiction.
- (k) Preparing a post-pursuit review and documentation of the pursuit.
 - 1. Supervisors should initiate follow up or additional review when appropriate.

313.4.1 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.

313.4.2 ADMINISTRATIVE REVIEWS OF VEHICLE PURSUITS

Following a vehicle pursuit the supervisor over the incident will ensure that a complete copy of all related police reports, to include a copy of the CHP 187 form, is forwarded to the lieutenant who is responsible for the officer who was involved in the pursuit. These copies shall be forwarded to the lieutenant as soon as possible and no later than 3 days from the date the pursuit occurred.

Once the documents described above are received, the lieutenant shall:

- Conduct an administrative review of the pursuit and determine whether it was in compliance with this policy manual. The Lieutenant may consult with the Deputy Chief of Police, who can direct any additional internal investigation pursuant to Policies 340 and 1020.
- In the event the pursuit was in compliance with Department policies, the lieutenant will initial and date the copy of the CHP form 187.
- The lieutenant will then forward a complete copy of the related police report(s), to include the initialed and dated copy of the CHP form 187, to Professional Standards who shall be responsible for maintaining the copy of forwarded copy of the CHP form 187.

313.5 YOLO EMERGENCY COMMUNICATIONS AGENCY

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.

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313.5.1 YOLO EMERGENCY COMMUNICATIONS AGENCY 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 that a field supervisor is notified of the pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notify the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

313.5.2 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.

313.5.3 SURVEILLANCES OF UNOCCUPIED STOLEN VEHICLES

- (a) An officer who locates an unoccupied stolen vehicle may elect to conduct a surveillance of the vehicle in the hopes of locating and apprehending the suspect. Inherent with this type of operation is the potential for the suspect to attempt to flee from the officer in the stolen vehicle itself. Therefore, before an officer may engage in this type of operation they must adhere to the protocol contained within this policy.
- (b) An officer wishing to conduct a surveillance of an unoccupied stolen vehicle must receive prior authorization from their immediate supervisor.
- (c) In evaluating whether or not to grant such authorization the supervisor will ensure that a minimum of three officers are assigned to the operation and that the requesting officer has met the following requirements:
 - The officer will have developed a plan in which every reasonable effort will be made to apprehend the suspect before he is able to start the vehicle.
 - Upon the initiation of the surveillance operation tire deflation devices may be deployed against the tires of the stolen vehicle. These deflation devices shall be deployed in a manner so that the tires of the stolen vehicle will become deflated should the suspect attempts to flee.
 - An officer who's requests to conduct a surveillance of a stolen vehicle is denied shall recover the stolen vehicle as soon as reasonably practical.
 - The mere fact that a stolen vehicle under surveillance becomes mobile does not in and of itself authorize that a pursuit to be initiated.

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- As with any vehicle pursuit, officers and supervisors are required to adhere to the criterion as outlined within Policy Manual § 314.2.1 prior to the initiation of a vehicular pursuit.
- Once the officer who received authorization to conduct the surveillance prepares to go off-duty, or otherwise discontinues the surveillance, the stolen vehicle should be recovered in the most expedient manner available.
- An officer who locates an unoccupied stolen vehicle and does not choose to conduct a surveillance of the vehicle shall recover the stolen vehicle as soon as reasonably practical.

313.6 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.

313.6.1 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 West Sacramento 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.

313.6.2 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 West Sacramento 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.

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- (d) Whether there is adequate staffing to continue the pursuit.
- (e) The ability to maintain the pursuit.

As soon as practicable, a supervisor or the Watch Commander 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.

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.

313.7 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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.

313.7.1 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).

313.7.2 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.

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- (b) The PIT 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, including speed restrictions.
 - 2. Supervisory approval should be obtained before using the technique.
 - 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 technique will terminate or prevent the pursuit.
- (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.
 - 4. Ramming may be used only under circumstances when deadly force would be authorized.
 - 5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
- (d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:
 - 1. The technique should only be used by officers who have received training in the technique.
 - 2. Supervisory approval should be obtained before using the technique.
 - 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 technique will terminate or prevent the pursuit.
- (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.

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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.

313.7.3 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.

313.7.4 VEHICLE INSPECTION/DAMAGE

Upon the termination of the pursuit, each officer in the pursuit shall fill out a "Vehicle Request Form", stating, "VEHICLE USED IN A PURSUIT" for their vehicle. The vehicle is to be inspected by a mechanic as soon as possible following the reporting of this event.

Any vehicle used in a pursuit that is suspected to have suffered damage shall be immediately removed from service until such time as it is properly inspected, and repaired as necessary, by a licensed mechanic.

313.8 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.

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- (b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with 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 involved, or if unavailable on-duty, field supervisor shall promptly complete a Supervisor'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 a member 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.

313.8.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

- (a) This policy.
- (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.

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313.8.2 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.

313.9 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.

313.10 VEHICLE PURSUIT ANALYSIS

The Professional Standards Sergeant shall conduct an annual analysis of vehicle pursuits, reporting procedures, and the accompanying policy. The analysis will be reviewed and approved by the Chief of Police.

313.11 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.

Officer Response to Calls

315.1 PURPOSE AND SCOPE

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

315.2 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.

The West Sacramento Police Department defines "reasonable necessary" use of emergency lighting equipment as the officer shall utilize a solid red front facing light and police siren during a Code-3 response. If an officer has justifiable and reasonable cause to discontinue the use of the police siren, the officer shall document this in the corresponding report or CAD log.

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. Officers not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

315.3 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 Yolo Emergency Communications Agency.

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

315.3.1 NUMBER OF UNITS ASSIGNED

Emergency in progress calls involving crimes against persons which include physical violence typically require a two unit Code-3 response. Only one unit should respond Code-3 to other emergency calls for service (i.e. traffic collisions).

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The Patrol Sergeant or the field supervisor may authorize an additional unit(s) to respond Code-3 when appropriate.

315.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Yolo Emergency Communications Agency. Should another officer believe additional Code-3 response is appropriate, Yolo Emergency Communications Agency shall be notified and the Patrol Sergeant or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

315.5 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 Yolo Emergency Communications Agency. An officer shall also discontinue the Code-3 response when directed by a supervisor.

As soon as practicable, officers shall notify Dispatch of their Code-3 response and give the location from which they are responding.

315.6 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

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315.7 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
- (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

315.8 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 Yolo Emergency Communications Agency of the equipment failure so that another unit may be assigned to the emergency response.

Canines

317.1 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.

317.2 POLICY

It is the policy of the West Sacramento Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

317.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Uniformed Services 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.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

317.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Uniformed Services Division 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.
- (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.

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317.5 REQUESTS FOR CANINE TEAMS

Uniformed Services Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Uniformed Services Division shall be reviewed by the Watch Commander.

317.5.1 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 any specific assignment that he/she deems unsuitable.
- (c) Calling out off-duty canine teams is discouraged.
- (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 or as directed.

317.5.2 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.

317.6 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.

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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 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 with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

317.6.1 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 members 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.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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317.6.2 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 and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members 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 handler shall document in any related report how the warning was given and, if none was given, the reasons why.

317.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite 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 bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or 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).

317.7 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

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conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

- (b) Unless otherwise directed by a supervisor, assisting members 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 bite or 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.

317.7.1 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.

317.7.2 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.

317.7.3 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.

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At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

317.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

- (a) An officer who is currently off probation.
- (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 30 minutes travel time from the West Sacramento City limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

317.9 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 should be stored at the West Sacramento 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 or Watch Commander.

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- (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.

317.9.1 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.

- (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.

317.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC § 207).

317.10.1 GUIDELINE FOR EXPLOSIVES DETECTION CANINE

Guideline for Explosives Detection Canine

- (a) Any police dog that is cross-trained in explosives detection also has the primary responsibility of a patrol canine, as outlined above. Explosives detection is considered a secondary function.
- (b) Explosives detection canines are trained to discriminate between select explosives odors and normally occurring odors. It is impossible to train on all explosives so the most commonly available explosives are used and consideration of this fact should be part of any deployment of the canine. These canine teams are not to be considered the solution to every explosive detection situation, but part of a comprehensive approach to detection that includes other public safety responders and the bomb squad.
- (c) Explosives detection canines are generally used in three distinct circumstances:
 - o Non-specific area searches, called "sweeps," where an area or route is examined for the presence of explosives, ammunition, or firearms, or:
 - o A specific target is identified and examined by the explosives detection canine. In this case a determination must be made prior to deployment of the canine, whether the specific target is unattended and not suspicious or if it is suspicious

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- If an item is located and determined to be unattended and NOT SUSPICIOUS and an explosives detection canine search is warranted, the item should be incorporated into a normal search pattern for the venue in which it is located. Prior to deployment, every effort should be made to determine the circumstances surrounding the item. If the canine does not alert on the item, the process can be repeated, or another explosives detection canine used.
 - If an item is located and determined to be SUSPICIOUS, the explosives detection canine will NOT be deployed. The area will instead be evacuated and the bomb squad called to investigate. Canine teams will not search items, packages, vehicles, etc., which have been declared suspicious by a credible source or by circumstances such as item appearance, credible threats, similar incidents, or suspect statements.
- (d) Prior to conducting a search, the handler shall establish the necessary resources to deal with any find.
 - (e) When a suspicious item is found, it should not be moved or touched by anyone, including the handler and canine. Bomb technicians should instead be alerted and evacuation measures begun.
 - (f) If an item of evidentiary nature is found by the canine/handler during a search and it is non-explosive or not of a suspicious nature, the location should be marked and those responsible for evidence collection notified, and the search continued.
 - (g) Training of an explosives detection canine will be conducted using samples of live explosives. These live explosives shall dispense under the direction of the Yolo County Bomb Squad commander, in coordination with the Canine Sergeant. All explosive samples will be weighed at the time of issuance and at the time of return. Returns will be at intervals determined by use.
 - (h) A chest type explosives magazine will be provided for storage of explosives samples. The magazine will be maintained in a secure WSPD facility. Keys to the explosives magazine will be jointly issued by the canine sergeant and the bomb squad commander, and only to explosive canine handlers, bomb technicians, and the canine sergeant will be considered for key issuance.
 - (i) Each sample shall be contained in a separate air-tight container. Every effort shall be made by the handler to prevent co-mingling and cross contamination of explosives. If such an instance occurs, the canine sergeant will be notified and the sample will be returned to the bomb squad for destruction and replacement.
 - (j) A bound type logbook will be maintained at the magazine detailing the name of the handler, date and time of removal and return, purpose and location of use, and the specific explosives removed or returned. The canine sergeant will be responsible for the maintenance of said log, copies of which shall be maintained for a minimum of

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five (5) years. The records will be audited bi-annually under the direction of the canine sergeant and the bomb squad commander.

- (k) All explosives samples will be returned to the magazine within the same calendar day or work shift as when they were checked out. Explosives samples shall be securely maintained at all times after removal from the magazine, to prevent loss, theft, or damage from the elements. Any loss or theft **MUST** be **IMMEDIATELY** reported to the canine sergeant **AND** the bomb squad commander, and may be subject to mandatory federal theft/loss reporting.
- (l) Any loss or destruction of the explosive samples will be documented contemporaneously with the act, and both the Canine Sergeant and the bomb squad commander will be immediately notified. Documentation of the loss or destruction shall be made within 24 hours of the incident.
- (m) All explosives will be handled and stored in compliance with federal and state regulations.
- (n) Explosives samples may not be loaned to explosives detection dog handlers from other departments. Requests for additional samples will instead be referred to the Yolo County Bomb squad commander.
- (o) The decision to use the police explosives detection canine is primarily that of handler. The canine sergeant, in consultation with the commander of the Yolo County Bomb Squad, may play a definitive role in these decisions if a dispute arises.
- (p) The explosives detection canine team will also serve as a component of the Yolo County Bomb Squad. Such deployments and trainings shall be coordinated between the Canine Sergeant and the Yolo County Bomb Squad commander.
- (q) Requests by other law enforcement agencies for a canine detection team shall be coordinated through the Yolo County Bomb Squad. Once approved by the bomb squad and dependant on the immediacy of the request, approval will also be required by the canine sergeant and/or the watch commander. All such incidents shall be documented by a bomb squad incident report, a copy of which shall be forwarded to the canine sergeant in a timely manner.

317.11 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.

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317.12 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 members 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. Each canine team will be required to attend in-service training at least monthly, as directed by the canine coordinator.

317.12.1 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 West Sacramento 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.

317.12.2 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.

317.12.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's and the canine's training file or within the KATS System which also tracks canine training

317.12.4 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 West Sacramento Police Department may work with outside trainers with the applicable licenses or permits.

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317.12.5 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 a member to seek a court order to allow controlled substances seized by the West Sacramento Police Department to be possessed by the member 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.

317.12.6 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 person 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.
- (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 Section 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.

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317.12.7 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).

Domestic Violence

319.1 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.

319.1.1 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.

319.2 POLICY

The West Sacramento 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.

319.3 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.

319.4 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.
- (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.

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- (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 Detective Bureau in the event that the injuries later become visible.
- (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.

319.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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- (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.
- (c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

319.4.2 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.

319.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

- (a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- (b) Victims should also be alerted to any available victim advocates, shelters, and community resources.
- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.
- (e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.
- (f) Officers should 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.
- (g) If appropriate, officers should 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).

319.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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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.

319.7 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).

319.8 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.

319.9 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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- (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 the victim's 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
 - 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).

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319.10 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, ammunition, 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)).

319.11 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 Manager to maintain and report this information as required.

319.12 SERVICE OF 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)).
- (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

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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 the person with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

319.13 PUBLIC ACCESS TO POLICY

A copy of this domestic violence policy will be provided to members of the public upon request (Penal Code § 13701).

319.14 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).

319.15 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

Search and Seizure

321.1 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 West Sacramento Police Department personnel to consider when dealing with search and seizure issues.

321.2 POLICY

It is the policy of the West Sacramento 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.

321.3 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

Officers will conduct warrantless searches and seizures in accordance with current case law. Warrantless searches include, but are not limited to: consent searches; vehicle searches; crime scene searches; emergency (exigent circumstance) searches; prisoner and vehicle inventory searches; and any other search authorized by current state and federal law.

The West Sacramento Police Department subscribes to and provides all officers online access to the California Peace Officers Legal Sourcebook, a publication of the California Department of Justice. The Legal Sourcebook provides the latest Federal and California Supreme Court decisions and offers commentary to assist officers in complying with the most recent case law. The Sourcebook is updated quarterly.

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

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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 member 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.

321.4 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) Members 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.
- (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.

321.5 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

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- 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.

321.6 CUSTODAL ARRESTS

Every effort must be made by the on-duty supervisor to visually inspect and personally complete the medical pre-screening of all in-custody arrests. Furthermore, the on-duty supervisor shall review the probable cause declaration and booking forms for in-custody arrestees prior to their being logged at the Yolo County Jail.

Temporary Custody of Juveniles

323.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the West Sacramento Police Department (34 USC § 11133).

Guidance regarding contacting juveniles at schools or who may be victims is provided in the Child Abuse Policy.

323.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's 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 the juvenile's 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; 15 CCR 1150).

Safety checks - Direct, visual observation personally 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 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.

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- (c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
- (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 that is more than brief or inadvertent.

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).

323.2 POLICY

The West Sacramento 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 West Sacramento Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

323.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the West Sacramento Police Department:

- (a) Unconscious
- (b) Seriously injured
- (c) A known suicide risk or obviously severely emotionally disturbed
- (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).

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These juveniles should not be held at the West Sacramento 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).

323.3.1 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).

323.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

Department members 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 themselves, or any unusual behavior which may indicate the juvenile may harm themselves while in either secure or non-secure custody (15 CCR 1142).

323.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the West Sacramento 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 West Sacramento 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 the juvenile's entry into the West Sacramento Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

323.4.1 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 West Sacramento 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 (Welfare and Institutions Code § 602.1).

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323.4.2 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).

323.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the West Sacramento 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 taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, 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.
- (c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.
- (d) Transported to the juvenile offender's 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 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).

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323.5 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, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender 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).

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 their parent or guardian; one to a responsible relative or their 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).

323.6 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 West Sacramento 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; 15 CCR 1145).
- (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.

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323.7 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; 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), a member of the West Sacramento Police Department (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).

323.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the West Sacramento 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 West Sacramento Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the West Sacramento 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) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).
- (g) 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).
- (h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).
- (i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.
- (j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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- (k) 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).
- (l) Blankets shall be provided as reasonably necessary (15 CCR 1143).
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.
- (n) Juveniles shall have adequate furnishings, including suitable chairs or benches.
- (o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.
- (p) Juveniles shall have access to language services (15 CCR 1143).
- (q) Juveniles shall have access to disability services (15 CCR 1143).
- (r) 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).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

323.9 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 West Sacramento 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).

323.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the West Sacramento 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 West Sacramento Police Department.

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323.11 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 themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves 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

Members of this department 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).

323.11.1 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).

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- (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 the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
 - 3. Requests or concerns of the juvenile should be logged.
- (e) Juveniles of different genders 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.

323.12 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 West Sacramento Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

- (a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation 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.

323.13 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 17 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):

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- (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.

323.13.1 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 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):

- (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).

323.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in the supervisor's absence, the Watch Commander.

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Temporary Custody of Juveniles

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 the Detective Bureau 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

323.15 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. Members 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 West Sacramento 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 Manager and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

323.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Uniformed Services Division Commander shall coordinate the procedures related to the custody of juveniles held at the West Sacramento Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

323.17 RELIGIOUS ACCOMMODATION

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

323.18 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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325.1 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 West Sacramento Police Department members as required by law (Penal Code § 368.6).

The West Sacramento Police Department is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

325.1.1 DEFINITIONS

Definitions related to this policy include:

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 § 15610.05 et seq.; Penal Code § 368.5).

Department protocols (or protocols) - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

Dependent adult - 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 (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent 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).

Senior and disability victimization - Means any of the following (Penal Code § 368.6):

- (a) Elder and dependent adult abuse
- (b) Unlawful interference with a mandated report
- (c) Homicide of an elder, dependent adult, or other adult or child with a disability

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- (d) Sex crimes against elders, dependent adults, or other adults and children with disabilities
- (e) Child abuse of children with disabilities
- (f) Violation of relevant protective orders
- (g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them
- (h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

325.2 POLICY

The West Sacramento Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

325.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

325.2.2 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

325.3 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent 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 elder and dependent adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.

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- (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.
- (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) Witness and suspect statements if available.
- (k) Review of all portable audio/video recorders, devices, and other available video.
- (l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.
- (m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).
- (o) Whether a death involved the End of Life Option Act:
 - 1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
 - 2. 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 (Health and Safety Code § 443.17).
 - 3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
 - 4. 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 elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an

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autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

325.3.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

- (a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).
- (b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).
- (c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).
- (d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

325.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.
- (c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
- (e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).
 - 1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

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2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).
- (g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

325.5 MANDATORY NOTIFICATION

Members of the West Sacramento Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person 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).

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 CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

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- (e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.
- (f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
- (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 elder or dependent 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 Bureau 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).

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

325.5.1 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.

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- (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.

325.6 PROTECTIVE CUSTODY

Before taking an elder or dependent 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, members of this department should remove an elder or dependent 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 elder or dependent 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 elder or dependent 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 elder or dependent 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.

325.6.1 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)).

325.6.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

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- (a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.
- (b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.
- (c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

325.7 INTERVIEWS

325.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent 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.

325.7.2 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:

- (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.

325.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

325.8 MEDICAL EXAMINATIONS

When an elder or dependent 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.

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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.

325.9 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 elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

325.9.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent 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 Bureau supervisor so an interagency response can begin.

325.9.2 SUPERVISOR RESPONSIBILITIES

The Detective Bureau 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 elder or dependent 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 Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent 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.

325.10 TRAINING

The Department should provide training on best practices in elder and dependent 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.

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- (e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
- (f) Availability of victim advocates or other support.

325.10.1 MANDATORY TRAINING

The Training Manager shall ensure that appropriate personnel receive the required training, including:

- (a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
- (b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).
 1. Training should include the following:
 - (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
 - (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Manager shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

325.11 RECORDS BUREAU RESPONSIBILITIES

The Records Section is responsible for:

- (a) Providing a copy of the elder or dependent 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 elder or dependent adult abuse report with the initial case file.

325.12 JURISDICTION

The West Sacramento 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, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

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Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

325.13 RELEVANT STATUTES

Penal Code § 288 (a) and Penal Code § 288 (b)(2)

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

Penal Code § 368 (c)

A 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 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)

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.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

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

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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.
- (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.

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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. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 3. Failure to protect from health and safety hazards.
 4. Failure to prevent malnutrition or dehydration.
 5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
 6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.
- (c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 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.

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- (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, or former Section 262 of the Penal Code.
 - 3. Rape in concert, as described in Section 264.1 of the Penal Code.
 - 4. Incest, as defined in Section 285 of the Penal Code.
 - 5. Sodomy, as defined in Section 286 of the Penal Code.
 - 6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
 - 7. Sexual penetration, as defined in Section 289 of the Penal Code.
 - 8. 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.

325.14 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

- (a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.
- (b) Developing and including department protocols in this policy, including but not limited to the following:
 - 1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

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2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
 - (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
 - (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
 - (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.
 - (c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.
 - (d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).
 - (e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).
 - (f) Ensuring that all members carry out their responsibilities under this policy.
 - (g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.
 - (h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

325.15 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

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- (a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b) (15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).
- (b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

Discriminatory Harassment

327.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members 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.

327.2 POLICY

The West Sacramento 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 a member 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 a member to discipline.

327.3 DEFINITIONS

Definitions related to this policy include:

327.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on 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.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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327.3.2 SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

327.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

327.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

327.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's 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 Director of Human Resources and Labor Relations, or the City Manager.

Any member who believes, in good faith, that the member has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or

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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.

327.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (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 their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members 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 the Director of Human Resources and Labor Relations in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

327.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional 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 members, or issuing discipline, in a manner that is consistent with established procedures.

327.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Resources and Labor Relations, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

327.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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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.

327.5.1 SUPERVISOR RESOLUTION

Members 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 member feels uncomfortable or threatened or has difficulty expressing the member's 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.

327.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, 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 members 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.

Members 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, the Director of Human Resources and Labor Relations, or the City Manager.

327.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members 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. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

327.6 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:

- (a) Approved by the Chief of Police, the City Manager, or the Director of Human Resources and Labor Relations, depending on the ranks of the involved parties.

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- (b) Maintained in accordance with the department's established records retention schedule.

327.6.1 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.

327.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

All members 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.

327.7.1 STATE-REQUIRED TRAINING

The Training Manager 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 the Civil Rights Department online training courses, the Training Manager should ensure that employees are provided the following website address to the training course: <https://calcivilrights.ca.gov> (Government Code § 12950; 2 CCR 11023).

327.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

327.8 WORKING CONDITIONS

The Administration Division 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).

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327.9 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).

Child Abuse

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when West Sacramento Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

329.1.1 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).

329.2 POLICY

The West Sacramento Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

329.3 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. Notification of the District Attorney is not required for 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 (Penal Code § 11166).

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. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (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 the peace officer's employment as a peace officer.

329.3.1 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.

329.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (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).

329.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child 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 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.

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- (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.

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).

329.5.1 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 members 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).

329.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's 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.

Generally, members of this department should remove a child from the child's 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. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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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, 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.

329.6.1 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.

329.6.2 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.

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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.

329.6.3 PROTECTIVE CUSTODY

- (a) When an officer discovers a person under the age of 18 years who falls within the description of Section 300 of the Welfare and Institutions Code, that officer will consider his responsibility in taking the child into protective custody.
- (b) If probable cause exists to believe that a child is endangered, a police officer may enter a home without a warrant or consent to investigate. If a child is taken into protective custody, the following reporting procedures will be followed.
- (c) The appropriate Crime/Incidents report will be completed if the child falls within the provisions 300 of the W&I Code, or has been a victim of Penal Code Sections 273a, 273d 285, 288 or of any other crime.
- (d) If it is determined that the child will be taken into protective custody, the officer will notify the Yolo County Department of Social Services Child Protective Services (CPS) as soon as practical. Notification will be made through the Yolo County Communications Center requesting a CPS worker to respond to the scene or police department.
- (e) The CPS worker will be responsible for the placement of the child upon completion of the officer's investigation. The reporting officer will complete the Protective Custody Report (WSP 027.1), the Suspected Child Abuse Report (DOJ SS-8572) and all other necessary reports.

329.7 INTERVIEWS

329.7.1 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.

329.7.2 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.

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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.

329.7.3 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 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).

329.8 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.

329.9 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.

329.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor 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 Bureau supervisor 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.

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- (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.

329.9.2 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.

329.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

329.10.1 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).

329.10.2 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.

329.10.3 CACI HEARING OFFICER

The Detective Bureau supervisor 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.

329.10.4 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:

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- (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 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.

329.10.5 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).

329.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members 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.

Missing Persons

331.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

331.1.1 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).

331.2 POLICY

The West Sacramento 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 West Sacramento 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).

331.2.1 RESPONSIBILITY FOR FOLLOW-UP INVESTIGATIONS

- (a) Patrol personnel shall follow-up all available leads regarding missing persons at the time they take the report. When there are no extenuating circumstances associated with the missing person, the reporting officer forwards the report through normal channels to the Criminal Uniformed Services Division for routine follow-up. The Criminal Uniformed Services Division assigns a detective to conduct additional follow-up on all reports of missing persons.
- (b) Due to the potential harm to individuals classified as at risk missing, investigators will contact the reporting party within 24 hours. Any subsequent contacts will be

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made at the officer's discretion, dependent upon the circumstances surrounding the individuals' disappearance, investigative leads, and other variables unique to the particular situation.

- (c) Reporting persons should be informed by the initial responding officer and during all follow-up contacts that they should advise the Department at the earliest possible opportunity if the missing person returns or if other information comes to their attention.
- (d) The reporting officer shall have the reporting party sign the Dental Record Release Waiver at the time of the report, provided the reporting party is the missing person's next of kin. The assigned detective can then take the Dental Record Waiver to the dentist at the appropriate time and retrieve the records.
- (e) The assigned detective shall explain to the reporting party that if the missing person is not located within 30 days, the reporting party is to take the completed authorization form to the missing person's dentist and within (10) days, submit the dental records to the West Sacramento Police Department.
- (f) If the reporting party is not a family member or next of kin, and no family or next of kin can be located, an agent of the West Sacramento Police Department is authorized to execute a written declaration to authorize the release of the dental records.
- (g) Upon termination of the investigation the person making the initial report shall be informed of the results.
- (h) In cases involving Family Abduction, the assigned detective shall coordinate the investigation with the Yolo County District Attorney Child Abduction Unit, who has the lead investigative responsibility in cases involving parental abduction.

331.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor 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

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331.4 ACCEPTANCE OF REPORTS

Any member 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 members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member 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).

331.5 INITIAL INVESTIGATION

Officers or other members 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:
 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).

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- (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 member should notify a supervisor and proceed with reasonable steps to locate the missing person.

331.6 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.

331.6.1 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 the Records Section.
- (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.

331.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member 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 Bureau.

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- (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).

331.7 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).
 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 Coroner.
- (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).

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331.8 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 Manager 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.
- (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.

331.8.1 UNIDENTIFIED PERSONS

Department members 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.

331.9 CASE CLOSURE

The Detective Bureau 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 West Sacramento 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 inactive 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.

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331.10 TRAINING

Subject to available resources, the Training Manager should ensure that members 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)
 - 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.

Public Alerts

333.1 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.

333.2 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.

333.3 RESPONSIBILITIES

333.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the West Sacramento Police Department should notify their supervisor, Watch Commander or Investigations 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.

333.3.2 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, the appropriate Division Commander and the Public Information Officer 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

333.4 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.

333.4.1 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.

333.4.2 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 Public 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)

333.4.3 SUPERVISOR ROLE AND RESPONSIBILITY

- (a) The on-duty supervisor will keep track of the status of missing person reports. This can be done by monitoring radio communications regarding the missing person,

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direct communication with the responding officer, or by updates provided by the Communications Center.

- (b) The supervisor will approve all missing person reports and ensure they are delivered to the Records Division or faxed to the Communications Center in a timely manner.
- (c) In the event that the missing person is considered "At Risk", the supervisor will be responsible for the coordination of the search and notification of the Chain of Command and Uniformed Services.

333.5 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.

333.5.1 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.

333.5.2 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 Public 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.

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- (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

333.6 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).

333.6.1 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.

333.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

333.7 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 Yolo Emergency Communications Agency staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Division Supervisor elects to use assistance through the Yolo County Mutual Aid Agreement, the following will apply:

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- (a) Notify the 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 designated to receive calls related to the investigation.
- (c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by other assisting agencies will be referred back to this department.

The West Sacramento Police Department shall assign a detective/officer to respond to the Yolo Emergency Communications Agency to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the YECA staff.

333.8 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).

333.8.1 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.

333.8.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

333.9 YELLOW ALERT

A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

333.9.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

- (a) A person has been killed due to a hit-and-run incident.
- (b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

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- (c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:
 - 1. The complete license plate number of the suspect's vehicle.
 - 2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
 - 3. The identity of a suspect.
 - 4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

333.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

333.10 FEATHER ALERT

A Feather Alert may be issued when an indigenous person is reported missing under unexplained or suspicious circumstances (Government Code § 8594.13).

333.10.1 CRITERIA FOR FEATHER ALERT

All of the following conditions must be met before activating a Feather Alert (Government Code § 8594.13):

- (a) The missing person is an indigenous person.
- (b) The Department has utilized local and tribal resources.
- (c) The investigating officer has determined the person has gone 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.

333.10.2 PROCEDURE FOR FEATHER ALERT

Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

Victim and Witness Assistance

335.1 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.

335.2 POLICY

The West Sacramento Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the West Sacramento 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.

335.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member 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 West Sacramento 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.

335.3.1 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 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 the crime victim liaison's 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 West Sacramento Police Department jurisdiction (Penal Code § 680.2).

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- (f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.
 - 1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

335.4 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.

335.4.1 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).

335.5 VICTIM INFORMATION

The Investigations Unit Supervisor 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 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).

335.6 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.

335.7 PUBLIC AVAILABILITY OF VICTIM/WITNESS ASSISTANCE SERVICES

Victim/witness resource and services information will be available to all public and media outlets via the department website in the Resource Library.

Hate Crimes

337.1 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 West Sacramento 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).

337.1.1 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, discriminatory selection of victims, 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, regardless of whether it is 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 one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises 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 the 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 means country of origin, immigration status, including citizenship, 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

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- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

337.2 POLICY

It is the policy of this 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.

This department will employ reasonably available 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 department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

337.3 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members 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.

337.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will 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.

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- (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 Manager 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.
- (k) Taking reasonable steps to ensure hate crime data is provided to the Records Section 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 Section 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.

337.3.2 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.

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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.
- 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.

337.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

337.4.1 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).

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- (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.
 - 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.

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337.4.2 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.
- (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.

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- (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.

337.4.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

- (a) Provide immediate assistance to the crime victim by:
 - 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).

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- (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. Supervisors 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 for approval.

337.5 TRAINING

All members 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):

- (a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.
- (b) Accurate reporting by officers, including information on the general underreporting of hate crimes.
- (c) Distribution of hate crime brochures.

337.6 APPENDIX

See attachments:

[Statutes and Legal Requirements.pdf](#)

[Hate Crime Checklist.pdf](#)

Standards of Conduct

339.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the West Sacramento Police Department and are expected of all department members. 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, members 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 a member's supervisors.

339.2 POLICY

The continued employment or appointment of every member of the West Sacramento 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.

339.3 DIRECTIVES AND ORDERS

Members 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.

339.3.1 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 member 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 member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member 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 member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members 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 member is obliged to comply. Members 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 countermanning the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

339.3.2 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 a member 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 member for malicious or other improper purpose.

339.3.3 SUPERVISORS ROLE IN THE DISCIPLINARY PROCESS

First line supervisors (Sergeants/Managers) of the West Sacramento Police Department are the keys to effective discipline within the organization. Every supervisor must continually provide their employees with feedback to positive and negative work performance. Additionally, they must be aware of, and enforce, the four basic functions that maintain internal discipline.

1. Supervisors must ensure that employees do not develop work habits that fail to meet management's expectations and rules and regulations. This requires that supervisors fully understand rules, regulations, policies, procedures and written directives.
2. Supervisors must detect employee violations of work rules. A supervisor may discover these violations through direct observation, reports from citizens or from employees.
3. Supervisors must be aware of the process they follow in the investigation of alleged violations of policy. Violations of law and serious types of misconduct warrant immediate notification of the Administrative Division through the chain of command. Supervisors from the employees' division investigate minor types of misconduct and procedural violations. A supervisor's actions must be legal, reasonable, consistent and timely.
4. Once a supervisor learns that an employee has violated a rule, policy, procedure, or written directive, he must assess the appropriate disciplinary action and take action accordingly. This requires that a supervisor be aware of the limits of his authority.

339.3.4 DISCIPLINARY RESPONSIBILITY AND AUTHORITY BY RANK

- (a) Any employee, civilian or sworn, has the responsibility and duty to report violations of police department policy, rules and conduct. A civilian employee has no disciplinary authority, with the exception of civilian supervisors who have disciplinary authority over their subordinate civilian employees.

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- (b) A police officer has the responsibility and legal obligation to report violations of State law, Department policy, rules and regulations. A police officer has no disciplinary authority.
- (c) A Sergeant has the responsibility and legal obligation to report violations of State law, Department policy, procedures, rules and regulations. A Sergeant has the authority to assign personnel to remedial training and issue a Documented Counseling. A Sergeant has the authority to temporarily relieve from duty (duty-tour or less) a subordinate employee who, in the best judgment of the Sergeant, is unfit for duty. If this is required, the Sergeant shall immediately notify the Division Commander. It shall be the Division Commander's responsibility to ensure the Chief of Police is made aware of this action.
- (d) The Lieutenant has the responsibility and legal obligation to report violations of State law, Department policy, rules and conduct. The Lieutenant has the authority to assign personnel to remedial training, issue a documented counseling or written reprimand, and make recommendations to the Chief of Police to administer a more severe form of discipline. The Lieutenant has the authority to temporarily relieve from duty a subordinate employee who, in the best judgment of the Lieutenant is unfit for duty. The Lieutenant may also place an employee on administrative leave (with pay) when there is an allegation of a violation of any police department rule, policy or procedure, or there is an action pending disposition of an internal investigation. If this is required, the Lieutenant shall ensure the Chief of Police is made aware of this action.
- (e) The Chief of Police has final authority for all types of discipline including suspension, reduction in rank and dismissal. City policies, the M.O.U. and California law govern the Chief's authority in these settings. Approval of the City Manager is required for termination.

339.4 GENERAL STANDARDS

Members 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.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members 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.

339.5 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:

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339.5.1 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 member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

339.5.2 ETHICS

- (a) Using or disclosing one's status as a member of the West Sacramento Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member 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 member'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.

339.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

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.

339.5.4 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.

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- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member 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 member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
- (f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

339.5.5 ATTENDANCE

- (a) Leaving the job to which the member 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.

339.5.6 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 member's position with this department.
 - (a) Members 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 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 nonsubpoenaed records.

339.5.7 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

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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 Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

339.5.8 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 workrelated 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 members.
- (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 members.
- (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.

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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.

339.5.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any 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 member of the public or any member of this department or the City.
- (g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.
- (i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.
- (j) 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.
- (k) Activity that is incompatible with a member'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.
- (l) 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.
- (m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

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339.5.10 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).
- (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 member's appointing authority.
- (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.

339.5.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member'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. A member 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.

339.6 RECORDS OF DISCIPLINARY ACTION

- (a) The City Human Resources Manager maintains all records of disciplinary actions in the official employee personnel file, per Section 3.8 of the City Personnel Rules. Copies may be retained in the duplicate Department employee file. The Department Secretary maintains the Departments files in a secured file cabinet. Access is limited to the Chief, Administrative Division Commander, and sworn members of the Administrative Division.
- (b) Employees may request the removal of disciplinary actions from their personnel files. The City Manager may approve such requests in his/her sole discretion. If approved, a sworn members of the Administrative Division will remove the duplicate documents from the Department personnel file.

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- (c) Complaints and any reports or findings related to complaints shall be retained for a period of at least five years per Section 832.5 of the California Penal Code.

339.7 DUTY TO INTERCEDE

Any employee present and observing another employee violating the law or department policy, shall, when in a position to do so, intercede in an effort to stop the behavior. As stated further in this policy, employees witnessing such behavior also have a duty to report any instance to their relevant supervisor.

339.8 CODE OF ETHICS

The West Sacramento Police Department recognizes the Law Enforcement Code of Ethics as the standard upon which we hold all personnel accountable. All personnel are required to abide by the Law Enforcement Code of Ethics. It can be found as the first page of our General Orders and states the following:

As a law enforcement officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; 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 laws of the land 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, 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 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 the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

339.8.1 ETHICS TRAINING

The West Sacramento Police Department provides ethics training to all personnel at least biennially. The City of West Sacramento also provides ethics training to certain executive positions within the Police Department as determined by City of West Sacramento Administrative Policy III-B-1 on a bi-annual basis.

Information Technology Use

341.1 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.

341.1.1 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 West Sacramento Police Department that are provided for official use by its members. 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.

341.2 POLICY

It is the policy of the West Sacramento Police Department that members 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.

341.3 PRIVACY EXPECTATION

Members 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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The Department shall not require a member 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).

341.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members 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.

341.4.1 SOFTWARE

Members 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, members shall not install any unlicensed or unauthorized software on any department computer. Members 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 the authorized designee.

No member 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 members to severe civil and criminal penalties.

Introduction of software by members 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.

341.4.2 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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341.4.3 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 member's assignment.

Downloaded information shall be limited to messages, mail, and data files.

341.4.4 OFF-DUTY USE

Members 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.

341.5 PROTECTION OF AGENCY SYSTEMS AND FILES

All members 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.

Members 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 a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

341.6 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 members or a member'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 requested by a supervisor or during the course of regular duties that require such information.

341.6.1 INTERNET AND E-MAIL POLICY

Use of the Internet, electronic mail, and on-line services has great potential to enhance the productivity of the Police Department employees. This policy will serve as the framework for the effective use of the rapidly expanding electronic resources available to West Sacramento Police Department employees. Employees must be held accountable for the use and misuse of government resources, of which access to the Internet, electronic mail systems, mobile data devices, and on-line services are but four examples. This policy addresses some, but not necessarily all, of the uses subject to this Order.

- (a) Employees must use the Internet and on-line services only for business purposes. Uses that interfere with normal business activities; involve solicitation; are associated with any for-profit business activities; or could potentially embarrass the WSPD, are strictly forbidden. WSPD employees must never access news groups and/or Internet relay chat groups unless they involve approved work related topics.
- (b) There is no expectation of privacy on City owned/provided computer resources including servers, PC's, workstations, connections, Internet, electronic mail and on line services. The Office of the Chief, without notice to WSPD employees, reserves the right to routinely and randomly; monitor, access, disclose and use the contents of materials on or utilizing City of West Sacramento owned/provided computer resources.
- (c) Except in the course of an official investigation, and with the approval of the Office of Criminal Investigations supervisor, WSPD employees must never use the Internet, electronic mail, and on-line services to access, distribute or solicit sexually oriented messages or images.
- (d) WSPD employees must never use the Internet, electronic mail, or on-line services for operating a business for personal gain, sending chain letters, or soliciting money for religious and political causes.
- (e) WSPD employees must never use the Internet, electronic mail, or on-line services to disseminate offensive, harassing, vulgar, obscene, or threatening statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, marital status, pregnancy, disability, and religious or political beliefs.
- (f) WSPD employees must never use the Internet, electronic mail, or on-line services to distribute or print materials (including articles and software) in violation of copyright or trademark laws.

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- (g) WSPD employees must view the use of electronic mail no differently than the use of other WSPD equipment, e.g., telephone, fax, or copier.
- (h) WSPD employees must never use the Internet, electronic mail, and on-line services to provide unauthorized access to and/or disclosure of confidential information.
- (i) WSPD employees must never use the Internet, electronic mail, or on-line services to provide access to public information without following the existing rules and procedures of the custodial agency for dissemination.
- (j) Except in the course of an official investigation, and with the approval of the Office of Criminal Investigations supervisor WSPD employees must never use an Internet, electronic mail, or on-line services account or signature line other than their own.
- (k) WSPD employees must take all reasonable precautions to prevent the inadvertent distribution of anyone else's information via the Internet, electronic mail or on-line services.
- (l) WSPD employees violating the above procedures are subject to discipline up to and including termination. Violations of these procedures may also result in criminal prosecution.

Report Preparation

343.1 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.

343.1.1 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.

343.1.2 FIELD REPORTING FORMS

Employees of the West Sacramento Police Department must use the appropriate official report forms or other forms as indicated by the nature of the incident being reported. Employees will write reports using the designated Reporting system as indicated by the nature of the incident being reported. The California Highway Uniformed Services's Collision Investigation Manual (CIM) provides guidelines for completing traffic collision reports. These manuals contain examples of the reports forms that the West Sacramento Police Department uses.

343.2 REQUIRED REPORTING

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

343.2.1 CRIMINAL ACTIVITY

When a member 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 member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

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- (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
 - 3. Child Abuse Policy
 - 4. Senior and Disability Victimization 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).

343.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Anytime an officer points a firearm at any person
- (b) Any use of force against any person by a member of this department (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

343.2.3 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

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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) Homicide or suspected homicide.
- (d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
- (e) Found dead bodies or body parts.

343.2.4 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.

343.2.5 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, whereas death could result
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

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

343.2.6 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 Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

343.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
 - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.

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- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.
- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

343.3 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.

343.3.1 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 department consistency.

343.3.2 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.

343.4 REPORT CORRECTIONS

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

343.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed

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reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

343.6 ELECTRONIC SIGNATURES

The West Sacramento Police Department has established an electronic signature procedure for use by all employees of the West Sacramento Police Department. The Uniformed Services Lieutenant shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

343.7 REPORT DICTATION SYSTEM

The West Sacramento Police Department utilizes the Speakwrite dictation system for the purposes of facilitating expedient completion of written reports. The dictation system is available for use by employees but is not mandatory. It is recommended that personnel utilize the dictation whenever possible to ensure timely completion of reports. The use of the dictation system will be at the discretion of the employee completing the report. The following steps shall be taken when utilizing the dictation system:

- The employee will dictate the report through the use of the following dictation methods: Mobile phone application, digital recorder, computer based recording and dial up dictation through the Speakwrite system.
- Upon receipt of the returned dictated report, the employee shall review the dictation for errors, additions and make corrections. The employee will complete the Narrative/ Supplemental form for submittal with the completed report.
- In the event the dictation is not returned prior to the end of shift or submittal of the report, the employee will obtain authorization from the on duty supervisor and it shall be noted on the Incident/ Crime Report Routing Form. Once the dictation is returned, the Narrative/ Supplemental report will be completed and submitted in an expedient manner.
- In the event the incident involves an arrest and the dictation has not been returned prior to the end of the shift, an Arrest Summary Report shall be completed and submitted with the Incident/ Crime Report and related forms to allow for expedient processing to the District Attorney's Office.
- When it is determined by Records the dictated Narrative/ Supplemental Report has not been submitted within 48 hours of the submittal of the Incident/ Crime Report,

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Records will notify the approving supervisor of the report. The approving supervisor shall ensure the report is completed immediately.

Media Relations

345.1 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.

345.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. 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 Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

345.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is 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. Based upon available resources, 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 PIO or other designated spokesperson.
- (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved member (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.

345.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

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345.3.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper 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 (FAA) should be contacted (14 CFR 91.137).

345.4 PRESS CONFERENCES

Media conferences shall be held only in connection with major events of concern to the community. Media conferences must be approved by the City Manager and held in coordination with the Public Information Officer. The Chief of Police shall be informed of and arrange for all news conferences. The Police Department Public Information Officer shall facilitate the news conference, which may include the Chief of Police or his/her designee.

345.5 USE OF SOCIAL NETWORKING SITES FOR PRESS RELEASE

The use of Department and/or City social networking sites for the dissemination of new releases shall require the same review and approval process as a direct release to the media. Approval by the Chief of Police, his/her designee, or the Public Information Officer shall be obtained prior to the posting of any news release via social networking sites.

345.6 POLICY

It is the policy of the West Sacramento Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

345.7 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 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 a 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.

345.8 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

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- (a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, 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. Under these circumstances the member should direct the media to the agency handling the incident.

345.9 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

345.9.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

345.10 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

345.10.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless

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the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

- (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 or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

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.

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 (see the Records Maintenance and Release Policy).

Subpoenas and Court Appearances

347.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the West Sacramento Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

347.2 COURT SUBPOENAS

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

347.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer 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 subpoena clerk 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)).

347.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

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- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the West Sacramento Police Department.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the West Sacramento 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 member shall be retaliated against for testifying in any matter.

347.3.2 CIVIL SUBPOENA

The Department will compensate members 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 member's compensation through the civil attorney of record who subpoenaed the member.

347.3.3 OFF-DUTY RELATED SUBPOENAS

Members 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.

347.4 FAILURE TO APPEAR

Any member 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.

347.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

347.6 COURTROOM PROTOCOL

When appearing in court, members shall:

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- (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.
- (d) Avoid any indication of bias, prejudice, or anger during testimony.
- (e) Testify in a clear, concise, and distinct manner.
- (f) Answer questions promptly, truthfully, and without evasion.

347.6.1 TESTIMONY

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

347.7 OVERTIME APPEARANCES

When a member 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.

Reserve Officers

349.1 PURPOSE AND SCOPE

The West Sacramento Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn compensated and volunteer reserve officers who can augment police services.

349.1.1 RESERVE POLICE OFFICER PROGRAM AND REQUIREMENTS

- (a) The Chief decides the duties and authority of reserve police officers and appoints reserve officers consistent with applicable State law and the West Sacramento Municipal Code. The Reserve program consists of both Designated and Non-Designated Level 1 Reserves, as defined in the P.O.S.T. administrative manual.
- (b) The reserve officers serve as a supplement to full-time personnel both in the day-to-day delivery of services and in emergencies. Prior to being released to work alone every Reserve Officer is required to complete the Field training Program such that he/she meets all the performance standards and expectations of a permanent, sworn officer.
- (c) Qualified and trained Designated and Non-Designated Level 1 Reserve officers assist full-time police officers in law enforcement services, special events, and emergencies. In order for reserve officers to be proficient in their duties, it is essential they be familiar with the operation of the West Sacramento Police Department through working various assignments. The Reserve Program Sergeant shall ensure this "cross-training" of Reserve Officers occurs as schedules and opportunities present themselves.
- (d) The Reserve Program Sergeant is responsible for the supervision of the Reserve Officer Program. Officers and supervisors must channel all requests for reserve officers through the Reserve Sergeant (particularly requests for assistance in surveillance and/or criminal investigative activities).
- (e) Reserve Officers must document their work by completing and submitting a West Sacramento Police Department "Officer's Daily Log" to the Program Sergeant at the completion of each day worked. The Program Sergeant maintains the Record of "Officer's Daily Log" forms and other records directly concerning the program.

349.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS

The West Sacramento Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

349.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

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The Chief requires that reserve officers perform the same duties and accept the same responsibilities as full-time police officers. Therefore, the selection criteria for reserve officers are the same as for full-time police officers.

The West Sacramento Police Department is an Equal Opportunity Employer and does not tolerate discrimination against any employee or applicant for employment as a reserve officer because of race, color, religion, sex, national origin, age, marital status, ethnic heritage or veteran status. Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

349.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit 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.

349.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

The West Sacramento Police Department compensates Designated Level 1 Reserves in accordance with the "Extra Help Salary Schedule" as defined and administered by the City of West Sacramento. Non-Designated Level 1 Reserves are strictly volunteers and are not provided hourly compensation for time worked.

The Police Department equips its reserve officers the same as full-time officers performing like functions. The uniforms and equipment for reserve officers is not distinguishable from that of full-time officers. Each reserve officer is provided with one (1) set of uniform pants, one (1) Class A uniform shirt, one (1) uniform tie, two (2) nametags, and one (1) Class B uniform shirt. The Department provides all other equipment consistent with that issued to regular officers in the Department. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

349.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources & Labor Relations prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

349.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Uniformed Services Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

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349.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

The liability protection plan for reserve officers is the same as for full-time officers under the agreement in force with YCPARMIA.

349.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

349.3.3 RESERVE COORDINATOR

The designated Reserve Coordinator will be the Sergeant assigned to the Field Training Officer (FTO) Program.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

- (a) Assignment of reserve personnel
- (b) Conducting reserve meetings
- (c) Establishing and maintaining a reserve call-out roster
- (d) Maintaining and ensuring performance evaluations are completed
- (e) Monitoring individual reserve officer performance
- (f) Monitoring overall Reserve Program
- (g) Maintaining liaison with other agency Reserve Coordinators

349.4 FIELD TRAINING

Penal Code § 832.6(a)(2) requires Level I reserve officers, who have not been released from the immediate supervision requirement per Policy Manual § 350.4.7, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

349.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

349.4.2 PRIMARY TRAINING OFFICER

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.

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349.4.3 FIELD TRAINING MANUAL

Each new reserve 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 West Sacramento Police Department. The reserve 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.

349.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

349.4.5 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

349.4.6 THIRD TRAINING PHASE

Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

349.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.

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349.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Division Commander.

349.5.1 SPECIAL AUTHORIZATION REQUIREMENTS

Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Division Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Division Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

349.5.2 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

349.5.3 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

349.5.4 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

349.5.5 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Uniformed Services Division Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

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349.5.6 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve officer will be considered a trainee until all of the training phases have been completed. Upon completion of training the reserve officer will perform actual duties of the position and will be evaluated quarterly for a period not less than one year. One probationary status is terminated and the reserve officer gains full time permanent status, evaluations will then be done at 1 year intervals

349.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

349.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

349.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the West Sacramento Police Department.

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349.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual. Reserve officers must qualify with their firearms annually which is consistent with the qualification standards for the regular officers. The use of force, and firearms training and proficiency programs, are identical to the programs the Chief requires for full-time officers. The training meets all requirements of POST

349.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Outside Agency Assistance

351.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

351.2 POLICY

It is the policy of the West Sacramento 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.

351.3 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. Members 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 member unless otherwise directed by a supervisor.

351.3.1 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 West Sacramento Police Department shall notify his/her supervisor or the Watch Commander and Yolo Emergency Communications Agency as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

351.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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Outside Agency Assistance

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

351.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

351.6 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 Administration Division 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 Yolo Emergency Communications Agency and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

Registered Offender Information

355.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the West Sacramento 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.

355.2 POLICY

It is the policy of the West Sacramento 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.

355.3 REGISTRATION

Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Records Division shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; 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.

355.3.1 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.).

355.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor 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 Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to West Sacramento Police Department personnel, including timely updates regarding new or relocated registrants.

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355.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members 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. 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 West Sacramento Police Department's website. Information on sex registrants placed on the West Sacramento Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Manager may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

355.5.1 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).

355.5.2 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.

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- (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.
- (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).

Major Incident Notification

357.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

357.2 POLICY

The West Sacramento 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.

357.3 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 West Sacramento official
- Arrest of a department employee or prominent West Sacramento official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

357.4 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 home telephone number first and then by any other available contact numbers.

357.4.1 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 and the Detective Lieutenant if that division is affected.

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357.4.2 DETECTIVE NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

357.4.3 TRAFFIC BUREAU NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

357.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

Death Investigation

359.1 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 thoroughness of death investigations cannot be emphasized enough.

359.2 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). A supervisor shall be notified in all death investigations.

359.2.1 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).

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- (l) Occupational diseases or occupational hazards.
- (m) Known or suspected contagious disease and constituting a public hazard.
- (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 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.

359.2.2 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.

359.2.3 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.

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359.2.4 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.

359.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

359.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

359.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and 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)).

Identity Theft

361.1 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.

361.2 REPORTING

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft 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.
- (g) Officers should inform victims of identity theft resources that can aid them in reestablishing their credit and identity.

Private Persons Arrests

363.1 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.

363.2 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.

363.3 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.

363.4 OFFICER RESPONSIBILITIES

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

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

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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

363.5 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 a narrative report regarding the circumstances and disposition of the incident.

Anti-Reproductive Rights Crimes Reporting

365.1 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.).

365.2 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

365.3 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 Investigation Division Commander.
- (c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander 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).

Limited English Proficiency Services

367.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

367.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or 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.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These 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.

Qualified bilingual member - A member of the West Sacramento Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

367.2 POLICY

It is the policy of the West Sacramento Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The 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.

367.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Uniformed Services Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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- (a) Coordinating and implementing all aspects of the West Sacramento Police Department's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
 - 1. Languages spoken
 - 2. Contact information
 - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding department LEP services.
- (j) 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.

367.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department members, 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.

367.5 TYPES OF LEP ASSISTANCE AVAILABLE

West Sacramento Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

367.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

367.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

367.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

367.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

367.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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367.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

367.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

367.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The West Sacramento Police Department will take reasonable steps and will work with the Department of Human Resources & Labor Relations to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

367.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Yolo Emergency Communications Agency, the call shall immediately be handled by the qualified bilingual member.

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If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

367.12 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 LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members 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 request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

367.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. 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. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

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The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

367.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations 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.

367.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. 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. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

367.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

367.17 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.

367.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including

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how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

367.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

Communications with Persons with Disabilities

369.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

369.1.1 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.

369.2 POLICY

It is the policy of the West Sacramento 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. Members 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.

369.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Uniformed Services Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

- (a) Working with the City ADA coordinator regarding the West Sacramento Police Department's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.

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- (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 Communications Supervisor. The list should include information regarding the following:
 - 1. Contact information
 - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (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.

369.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members 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) Members 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, members 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.

369.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members 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 a member knows or suspects an individual requires assistance to effectively communicate, the member 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, members 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 member 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 West Sacramento 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.

369.6 TYPES OF ASSISTANCE AVAILABLE

West Sacramento Police Department members 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.

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369.7 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, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

369.8 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.

Members 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 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).

369.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members 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). Members 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.

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369.10 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 members 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.

369.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members 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.

369.12 REPORTING

Whenever any member 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. Members 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 member 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.

369.13 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.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members 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 members 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.

369.13.1 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.
- (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.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

369.14 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.

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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.

369.15 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, members 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, members 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.

369.16 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 members of this Department.

369.17 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.

369.18 TRAINING

To ensure that all members 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.

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- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members 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 Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

369.18.1 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.
- (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 Yolo Emergency Communications Agency members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

Mandatory Employer Notification

371.1 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.

371.2 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.

371.2.1 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, in so far 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).

371.2.2 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, in so far 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).

371.2.3 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, in so far 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).

371.2.4 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

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and Safety § 11364, in so far 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).

371.3 POLICY

The West Sacramento Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

371.4 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).

Biological Samples

373.1 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.

373.2 POLICY

The West Sacramento 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.

373.3 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.

373.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

373.4.1 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.

373.5 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

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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.
- (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.

373.5.1 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).

373.5.2 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).

373.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

373.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee 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.

373.6.2 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 orders a blood sample following a refusal.

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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)).

373.6.3 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.

Chaplain Program

376.1 PURPOSE AND SCOPE

The West Sacramento Police Department Volunteer Chaplain Program is a resource that is available to employees for use when dealing with certain sensitive incidents or personal problems. The program serves to strengthen law enforcement/community relations with the additional benefit of serving as a source of strength for Police Department employees and their families. The Chief of Police encourages employees to make use of the Volunteer Chaplain services whenever possible.

376.2 POLICY

West Sacramento Police Department Volunteer Chaplain Program consists of public-spirited clergy from many faiths who volunteer their time, energy, and talents to assist the employees of the Police Department, their families and the community at large.

376.2.1 ORGANIZATION OF VOLUNTEER CHAPLAIN PROGRAM

The Chief will designate a sergeant to supervise the Volunteer Chaplain Program as a collateral supervision assignment. The Chaplain Coordinating Sergeant will report to the Support Services Lieutenant. However, all Chaplains have direct access to the Chief.

The Volunteer Chaplain program is under the direct authority of the Chief of Police. One Volunteer Chaplain may serve as the Volunteer Chaplain Coordinator and reports to the Chaplain Coordinating Sergeant, or the Support Services Lieutenant. However, all Volunteer Chaplains have direct access to the Chief.

Prospective Volunteer Chaplain candidates complete an application form and are fingerprinted. They undergo a background check and interview process that includes the participation of the Coordinating Sergeant/Volunteer Chaplain Coordinator. The Chief of Police makes the appointment to the program.

The Police Department issues Volunteer Chaplains an identification card, an access key, pager, and other equipment that the Chief deems appropriate to aid Volunteer Chaplains in the performance of their duties. The Department may also issue a radio to the Volunteer Chaplain Coordinator for use by the on-call Volunteer Chaplain.

376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

- (a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
- (b) By providing an additional link between the community, other chaplain programs and the Department.
- (c) By providing counseling, spiritual guidance and insight for department personnel and their families.

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- (d) By being alert to the spiritual and emotional needs of department personnel and their families.
- (e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

- (a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
- (b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
- (c) Must successfully complete an appropriate level background investigation.
- (d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
- (e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
- (f) Possess a valid California Drivers License.

376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

- (a) Appropriate written application.
- (b) Recommendation from their church elders, board, or council.
- (c) Interview with Chief of Police & Chaplain Supervisor
- (d) Successfully complete an appropriate level background investigation.
- (e) Complete an appropriate probationary period as designated by the Chief of Police.

376.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

- (a) Assisting in making notification to families of department members who have been seriously injured or killed.
- (b) After notification, responding to the hospital or home of the department member.
- (c) Visiting sick or injured law enforcement personnel in the hospital or at home.

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- (d) Attending and participating, when requested, in funerals of active or retired members of the Department.
- (e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
- (f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Patrol Sergeant or supervisor aids in accomplishing the Department's mission.
- (g) 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 personnel.
- (h) Counseling officers and other personnel with personal problems, when requested.
- (i) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (j) Being responsible for the organization and development of spiritual organizations in the Department.
- (k) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
- (l) Providing liaison with various religious leaders of the community.
- (m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
- (n) Participating in in-service training classes.
- (o) Willing to train to enhance effectiveness.
- (p) Promptly facilitating requests for representatives or ministers of various denominations.
- (q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. 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 follow-up contacts that was provided while functioning as a chaplain for the West Sacramento Police Department.

376.6.1 PROTOCOLS FOR CALL OUTS

- (a) **The Communication Center must immediately notify the on-call Volunteer Chaplain if any of the following occur:**
 - o Any shooting involving agency personnel.

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- Any incident resulting in the serious injury or death of agency personnel or their immediate families.
 - Any natural disaster, i.e. tornado, flood, storm, etc., that results in serious destruction and/or death.
 - Any homicide, fatal accident or suicide response.
 - Any major crime scene response resulting in a traumatic experience
- (b) Command Staff or the Chief of Police may also "call-out" the Volunteer Chaplains for other incidents that are not on the above list. Additionally, the on-duty Patrol Sergeant may also call-out the volunteer Chaplains for other incidents not on the list.
- (c) Patrol and Detective personnel may request Volunteer Chaplains, who are "on-duty" (currently working-along/riding-along with a Police Department employee) and available, when necessary.
- (d) Separate programs exist for the personal needs of prisoners within the Yolo County Jail and for the ongoing needs of crime victims. Volunteer Chaplains program members will make referrals to these programs as appropriate.
- (e) If a Volunteer Chaplain is "on-duty" (work-along/ride-along) when an incident occurs, they will coordinate and direct additional chaplain response with and through the Volunteer Chaplain Coordinator.
- (f) If no Volunteer Chaplain is "on-duty," the on-call Volunteer Chaplain responds as necessary and will coordinate and direct additional chaplain response through the Volunteer Chaplain Coordinator.
- (g) The Volunteer Chaplain Coordinator will make sure all Volunteer Chaplains receive notification of the occurrence of a major incident/disaster so that they may be ready to respond as necessary.
- (h) Any Volunteer Chaplain may be "called-out" at any time by the on-duty Patrol Sergeant or department Command Staff to assist with death notifications, post-traumatic stress debriefing, etc. Volunteer Chaplains must report call-outs on their monthly involvement report.
- (i) The Chief encourages Volunteer Chaplains to frequently participate in work-along and ride-along programs. The Volunteer Chaplains should directly schedule these activities with the appropriate supervisor, (usually the on-duty watch commander.)

376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the West Sacramento 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 privilege and shall inform department members when it appears reasonably

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likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any West Sacramento Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.8 OPERATIONAL GUIDELINES

- (a) Chaplains shall be permitted to ride with officers during any shift and observe West Sacramento Police Department operations, provided the Patrol Sergeant has been notified and approved of the activity.
- (b) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
- (c) In responding to incidents, a chaplain shall never function as an officer.
- (d) 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.
- (e) Chaplains shall serve only within the jurisdiction of the West Sacramento Police Department unless otherwise authorized by the Chief of Police or his designee.
- (f) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

376.8.1 UNIFORMS AND BADGES

- (a) It is the intent of the Department to ensure the public image of the Volunteer Chaplain Program maintains a consistent and professional image of the department and the Chaplain Program. Maintaining a clean, professional uniform provided by the Department is the responsibility of the individual Chaplains. Chaplain uniforms shall not include any terminology that may confuse the public to believe they are sworn officers, and Chaplains shall only wear uniforms when performing in an official capacity of Law Enforcement Chaplain, as authorized by the Department.
- (b) The Volunteer Chaplain uniform shall consist of a maroon colored polo shirt (long or short sleeve), with the program insignia on the left breast and the Chaplains name on the right breast. Pants shall be black in color and suit or business type in design. A black dress belt shall be worn with the pants and black colored (closed toed) dress shoes shall also be worn. Additionally, a maroon colored jacket may be work during inclement weather. The jacket shall also include the Chaplain insignia on the left breast and the Chaplains name on the right breast. Hats are not a part of the Chaplain uniform, and shall not be worn as a part of the uniform.

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376.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Manager.

Child and Dependent Adult Safety

378.1 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 members 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 Senior and Disability Victimization policies.

378.2 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 West Sacramento 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.

378.3 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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378.3.1 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.

378.3.2 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.

378.3.3 REPORTING

- (a) For all arrests where children are present or living in the household, the reporting member 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 member 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

378.3.4 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.

378.4 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.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

378.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

Service Animals

380.1 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).

380.1.1 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)).

380.2 POLICY

It is the policy of the West Sacramento Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

380.3 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.

380.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the West Sacramento Police Department affords to all members of the public (28 CFR 35.136).

380.4.1 INQUIRY

If it is apparent or if a member 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 member 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.

380.4.2 CONTACT

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

380.4.3 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 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. Members 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.

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380.4.4 COMPLAINTS

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

Volunteer Program

382.1 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.

382.1.1 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, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

382.2 VOLUNTEER MANAGEMENT

382.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Office of Operations. 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.

382.2.2 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.

382.2.3 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

A polygraph exam may be required of each applicant depending on the type of assignment.

382.2.4 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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382.2.5 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.

382.2.6 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.

382.2.7 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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382.3 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.

382.4 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.

382.5 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.

382.5.1 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:

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- (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.

382.5.2 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.

382.6 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. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

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.

382.6.1 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.

382.7 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.

Off-Duty Law Enforcement Actions

384.1 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 West Sacramento Police Department with respect to taking law enforcement action while off-duty.

384.2 POLICY

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

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

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

384.3 FIREARMS

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

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

384.4 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.

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- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
- (f) Unfamiliarity with the surroundings.
- (g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

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

384.4.1 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 a West Sacramento Police Department officer until acknowledged. Official identification should also be displayed.

384.4.2 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.

384.4.3 NON-SWORN RESPONSIBILITIES

Non-sworn 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.

384.4.4 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.

384.5 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.

Department Use of Social Media

387.1 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).

387.1.1 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

387.2 POLICY

The West Sacramento Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

387.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members 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 supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

The City of West Sacramento's Communication Officer may be utilized to review sensitive topics prior to posting.

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387.4 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.

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.

387.4.1 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 Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

387.5 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 West Sacramento 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 member 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.

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Department Use of Social Media

387.5.1 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.

387.6 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.

387.7 RETENTION OF RECORDS

The Administration Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

387.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

Gun Violence Restraining Orders

388.1 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).

388.1.1 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).

388.2 POLICY

It is the policy of the West Sacramento Police Department to petition for 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.

388.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's 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 submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

388.3.1 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).

388.4 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 Manager 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.

388.4.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS

An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

- (a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.
- (b) Serve the order on the restrained person if the person can be reasonably located.
- (c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

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388.5 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.

388.6 RECORDS MANAGER RESPONSIBILITIES

The Records Manager 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) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
- (c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
- (d) 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).
- (e) 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).

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388.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

- (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.

388.8 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.

388.9 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 members, 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.

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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.
- (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 Manager 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 Manager 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).

388.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau supervisor 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).

388.11 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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388.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

Native American Graves Protection and Repatriation

389.1 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.).

389.1.1 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.

389.2 POLICY

It is the policy of the West Sacramento 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 members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

389.3 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, members 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 - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

389.4 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. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).

Racial and Identity Profiling Act (RIPA)

390.1 PURPOSE AND SCOPE

This policy is to establish procedures for the collection of data pursuant to California Government Code section 12525.5, known as the Racial and Identity Profiling Act (RIPA). The intent of this policy is to increase the agency's effectiveness as a law enforcement agency and to build mutual trust and respect with the diverse groups and communities the agency serves.

390.2 POLICY

It shall be the policy of the West Sacramento Police Department to collect and report data to the California Department of Justice in accordance with RIPA, which requires officers to complete an entry for each individual detained or searched during a call for service or self-initiated activity.

390.3 OFFICER RESPONSIBILITIES

Officers shall complete a RIPA entry for every individual detained and/or searched via the department issued hand-held device.. Only one RIPA entry is required for each detainee. Each entry shall be completed before the end of of the officer's shift. If the hand-held device malfunctions or the officer is unable to complete the RIPA entry the officer shall advise dispatch that a RIPA entry will be made and notify the Professional Standards Lieutenant of the pending entry.

390.4 SUPERVISOR RESPONSIBILITIES

Supervisors shall review/audit officers' daily activity for their teams and address any missing RIPA entries that are incomplete or missing. Supervisors shall ensure officers complete all missing RIPA entries during their shift when a missing entry is identified. Supervisors shall ensure all pending entries are completed.

390.5 DEFINITIONS

Racial or Identity Profiling- the consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. Such activities include, but are not limited to, traffic or pedestrian stops, or actions taken during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

Bias-Based Policing- conduct by peace officers motivated, implicitly or explicitly, by the officer's beliefs about someone based on the person's actual or perceived personal characteristics, i.e. race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability.

Implicit Bias- the attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and

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unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.

Bias by Proxy- when an individual calls/contacts the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service based in unlawful bias, they risk perpetuating the caller's bias. Sworn and civilian staff should use their critical decision-making skills, drawing upon their training to assess whether there is criminal conduct.

Reasonable Suspicion to Detain- reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is occurring, had occurred in the past, or is about to occur. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.

Detention- a seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that he or she is not free to leave or otherwise disregard the officer.

Chapter 4 - Patrol Operations

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 POLICY

The West Sacramento 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 members.

400.3 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of West Sacramento. 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, identify 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.

400.4 PATROL COVERAGE DURING WATCH CHANGE

(a) Patrol Operations must have continuous law enforcement coverage 24 hours a day, every calendar day.

(b) Patrol Operations Officers will be assigned to a Day, Swing or Graveyard Watch.

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(c) Patrol Operations shift rotation will take place either on a six month or annual basis and bid by department seniority. (Probationary employees are not included in the bidding process and can be placed on a shift based on needs of the department.)

(d) Officers usually work an assigned beat every duty day for the duration of a bidding cycle (six months to a year). However, at the beginning of each shift the supervisor may assign officers to different beats based on the needs of the department.

(e) Officers may be assigned to a different beat by the on-duty supervisor based on the needs of the department.

(f) Officers days off are based on their assigned shift.

(g) This policy is to establish a method for assigning available officers to shifts, service areas, and days off. This helps to ensure impartiality in the process. However, management retains the final authority to assign officers to shifts and service areas in order to provide effective coverage, ensure accountability, and achieve organizational goals and objectives.

400.5 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. Members should be provided with opportunities on a regular basis to share information during the daily roll call briefings and to attend roll call briefings 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. Members are encouraged to share information with other units and divisions.

400.5.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit (CAU) will be the central unit assigned for information exchange. The Crime Analysis Unit will be assigned to the Uniformed Services Division. Criminal information and intelligence reports can be submitted to the Records Section for distribution to all divisions within the Department through daily and special bulletins.

400.5.2 CRIME REPORTS

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

400.5.3 PATROL BRIEFINGS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Roll Call Briefings as time permits.

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400.5.4 INFORMATION BINDER

A Notebook Binder will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. The binder will include, but not limited to wanted persons, written directives, overtime sign-up and other miscellaneous information.

400.5.5 BULLETIN BOARDS

A bulletin board will be kept in the Roll Call Briefing room and the Detective Bureau for display of suspect information, intelligence reports and photographs. New Departmental Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Departmental Directive will be placed on the briefing room clipboard.

400.6 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. A patrol supervisor 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.

400.6.1 CAMPUS LIAISON

The Los Rios Community College District has designated 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 member will work with this liaison regarding relevant issues, scheduled events, training and crowd control.

Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the West Sacramento 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).

402.1.1 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).

402.2 POLICY

The West Sacramento 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.

402.3 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.

402.3.1 BIASED PRACTICES PROHIBITED

- (a) It shall be the policy and practice of this Department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of their race, color, religion, ancestry, national origin, gender, sexual orientation, religion, economic status, age or disability.
- (b) The practice of "Bias Based Profiling" is illegal, unethical and will not be tolerated by the Department. "Bias Based Profiling" violates the Fourteenth Amendment's equal protection clause of the United States Constitution and California law and will not be tolerated in traffic contacts, field contacts and in asset seizures and forfeiture efforts.

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- (c) It is the responsibility of every member of this Department to prevent, report and respond appropriately to any unlawful/ethical discriminatory or biased practices.
- (d) Every member of the Department engaging in a consensual contact shall be prepared to articulate a reason for that contact.
- (e) Every member of the Department engaging in a non-consensual contact shall be prepared to articulate sufficient reasonable suspicion or probable cause to justify the detention independent of the individual(s) membership in a protected class.
- (f) In an effort to prevent inappropriate perceptions of "Biased Based Profiling", each officer shall practice "tactical communication skills" when conducting pedestrian and vehicle stops:
 - Greeting
 - ID Self/Department
 - Reason for the stop
 - Justification
 - Driver's License
 - Registration and Insurance
 - Decision
 - Close
- (a) To the extent that written documentation would otherwise be completed (e.g. arrest report, FI card etc.) the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.
- (b) While the practice of "Bias Based Profiling" is strictly prohibited, it is recognized that "protected class" descriptors may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g. suspect description is limited to "protected class" descriptors).
- (c) Recognizes every person values his/her time and consciously avoids unanticipated interruptions during the day, officers shall explain the reasons for the stop and apologize to the citizen for the interruption of his/her day and use of their time if the officer determines that the reasonable suspicion was determined to be unfounded after completing his/her investigatory stop.

402.3.2 CALIFORNIA RELIGIOUS FREEDOM ACT

Members 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).

Members shall not assist federal government authorities (Government Code § 8310.3):

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- (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.

402.4 MEMBER RESPONSIBILITIES

Every member 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. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

402.4.1 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.

402.4.2 SUPERVISORY

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

Violations of the intent and purpose of this Order will result in an administrative investigation and disciplinary action, if deemed appropriate. A recommendation of disciplinary action, when deemed appropriate based on the facts established in that investigation will be forwarded to the Chief of Police for final action.

402.4.3 REPORTING OF STOPS

Unless an exception applies under 11 CCR 999.227, 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 West Sacramento Police Department is the primary agency, the West Sacramento 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).

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402.5 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) Supervisors should periodically review MAV recordings, portable audio/video recordings and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
 - (a) Supervisors should document these periodic reviews.
 - (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 member of this department who discloses information concerning bias-based policing.

402.6 ADMINISTRATION

Each year, the Professional Standards Unit Sergeant will 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.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Administrative Division.

- (a) All sworn members 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 members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.
- (c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five

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years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

- (d) The refresher training on biased based policing shall include a review of legal considerations for both California and federal laws.
- (e) In addition, the department will conduct annual bias-based policing training that includes legal considerations on an annual basis.

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Sergeant 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 or authorized designee for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section 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).

Roll Call Briefing Training

404.1 PURPOSE AND SCOPE

Roll Call Briefing training is generally conducted at the beginning of the officer's assigned shift. Roll Call Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call Briefing; however officers may conduct Roll Call Briefing for training purposes with supervisor approval.

Roll Call Briefing 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 Departmental Directives or changes in Departmental Directives
- (d) Reviewing recent incidents for training purposes
- (e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call Briefing 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.

404.3 RETENTION OF ROLL CALL BRIEFING TRAINING RECORDS

Roll Call Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY

It is the policy of the West Sacramento 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.

406.3 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.

406.4 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.

406.5 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.

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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.

406.5.1 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.

406.6 EXECUTION OF HEALTH ORDERS

Any sworn member 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).

Tactical Response and Negotiations/Crisis Teams

408.1 PURPOSE AND SCOPE

The West Sacramento Police Department uses Tactical Response (SWAT) and Hostage/Negotiation teams to complement and supplement its other operational components through cooperation and coordination. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team and Hostage/Negotiation Team are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

408.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At

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least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team. The West Sacramento Police Department SWAT team is a level II team.

408.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

- (a) Command and Control
- (b) Containment
- (c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

- (a) Locally identified specific missions the team is capable of performing.
- (b) Team organization and function.
- (c) Personnel selection and retention criteria.
- (d) Training and required competencies.
- (e) Procedures for activation and deployment.
- (f) Command and control issues, including a clearly defined command structure.
- (g) Multi-agency response.

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- (h) Out-of-jurisdiction response.
- (i) Specialized functions and supporting resources.

408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to SWAT and Hostage/Negotiation Team members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

- (a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).
 - 1. All SWAT team members should have an understanding of operational planning.
 - 2. SWAT team training should consider planning for both spontaneous and planned events.
 - 3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.
- (b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.
 - 1. When possible, briefings should include the specialized units and supporting resources.
- (c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.
- (d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.
- (e) The appropriate role for a trained negotiator.
- (f) A standard method of determining whether or not a warrant should be regarded as high-risk.
- (g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.
- (h) Post incident scene management including:
 - 1. Documentation of the incident.
 - 2. Transition to investigations and/or other units.

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3. Debriefing after every deployment of the SWAT team.
 - (a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.
 - (b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.
 - (c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.
 - (d) When appropriate, debriefing should include specialized units and resources.
 - (i) Sound risk management analysis.
 - (j) Standardization of equipment deployed.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1081).

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

- (a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

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Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Team Commander. The SWAT Team Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

- (a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member. The physical fitness test consist of the following requirements:
 - Run 1 1/2 miles within twelve minutes and thirty seconds
 - Complete thirty-five pushups in one minute
 - Complete forty sit-ups in one minute
 - Bench press body weight one time using free weights
 - Perform a standing vertical leap of sixteen inches
 - Run three hundred meters within sixty seconds
- (a) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.
- (b) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.
- (c) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the SWAT Team Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

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408.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION

Individual and team training shall be documented and records maintained by the Administrative Division. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

The Police Department assigns the SWAT Team members various pieces of specialized equipment to aid in properly performing their function. All SWAT Team personnel should keep their equipment where it is readily available if they need it. It is the responsibility of the SWAT Team Commander to ensure all of the equipment needs of the team are met. In furtherance of this responsibility, the SWAT Team Commander, or his designee will inspect all equipment monthly.

408.5.1 UNIFORMS

SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT

ALERT Team from this agency should be adequately equipped to meet the specific mission(s) identified by the agency. The Police Department assigns the ALERT Team members various pieces of specialized equipment to aid in properly performing their function. All ALERT Team personnel should keep their equipment where it is readily available if they need it. It is the responsibility of the ALERT Team Commander to ensure all of the equipment needs of the team are met. In furtherance of this responsibility, the ALERT Team Commander, or his designee will inspect all equipment monthly. ALERT Team personnel are issued the following equipment at minimum:

- Portable hand held radio with microphone and earphone
- Gas mask
- Soft body armor in the form of a tactical entry vest
- Winter and summer uniforms
- Kevlar Helmet
- Boots
- Flashlight

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408.5.3 FIREARMS

Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments. SWAT Team personnel are issued the following firearms:

- Long gun (either a .223 rifle, 12 gauge shotgun, 9mm submachine gun, or .308 bolt action rifle)
- Sidearm (Glock: 40 caliber)

408.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the SWAT Team and Hostage/Negotiation team shall be selected by the Chief of Police upon recommendation of staff.

408.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Uniformed Services Division Commander, the SWAT Team and Hostage/Negotiation team shall be managed by a lieutenant.

408.6.2 TEAM SUPERVISORS

The SWAT Team will be supervised by a sergeant or a team member as assigned by the Chief of Police.

The team supervisor shall be selected by the Chief of Police upon specific recommendation by staff and the SWAT Team Commander.

The following represent the supervisor responsibilities for the SWAT Team:

- (a) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Team Commander.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Hostage/Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

408.7.1 SELECTION OF PERSONNEL

- (a) Interested sworn personnel shall submit a memo of interest to their appropriate Division Commander. A copy will be forwarded to the Hostage/Crisis Negotiation Commander qualified applicants will then be invited to an oral interview. Recognized competence and ability as evidenced by performance.
- (b) Hostage/Crisis negotiators are critical in special operations. Good negotiations can mean the difference between a successful resolution and a tragedy. Personnel

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wanting assignment to the Hostage/Crisis Negotiation Team as a negotiator must meet the following criteria:

- One year as a full-time, sworn Police Officer.
- Pass an administrative review of the following areas:
 - Evaluations
 - Commendations
 - Disciplinary actions
 - Special skills
 - Good law enforcement skills
 - Ability to express himself verbally
- Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.
- Effective communication skills to ensure success as a negotiator.
- Special skills, training, or appropriate education as it pertains to the assignment.
- Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

Hostage/Crisis negotiators must complete psychological screening examination and a clinical interview by a licensed psychologist to determine psychological stability and functioning under stress. Pass a review of candidates by current members of the Hostage/Crisis Negotiation Team that may include an oral interview. Final assignment to the unit is at the discretion of the Chief.

408.7.2 TRAINING OF NEGOTIATORS

- (a) Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.
- (b) Hostage/Crisis Negotiation Team members will attend regular training sessions to practice specialized skills and develop their abilities to function effectively as a team.
- (c) Periodically, the Hostage/Crisis Negotiation and the ALERT Teams conduct a joint tactical training. This training includes operational simulations. All training is documented and retained according to established procedures.
- (d) Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and

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maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

408.8.1 SELECTION OF PERSONNEL

- (a) Interested sworn personnel who are off probation shall submit a memo of interest to their appropriate Division Commander, a copy of which will be forwarded to the SWAT Team Commander and the SWAT supervisor. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Team Commander. Assignment to the SWAT Team is voluntary. Personnel wanting assignment to the SWAT Team must meet the following criteria:
 - (b) full-time, sworn police officer.
 - (c) Pass an administrative review of the following areas:
 - Performance evaluations
 - Disciplinary actions
 - Commendations Use of force incidents
 - Use of firearms
 - Auto accidents
 - Training schools attended
 - Special skills
 - (a) The candidate must also pass a physical fitness test consisting of the following:
 - Perform two pull-ups while wearing gym clothing and a pack containing 25 pounds.
 - Complete a -mile run, within a time period of four minutes and thirty (4.30) seconds,
 - which includes incorporation of the following obstacles:

At 1/8 of a mile, candidate must begin to pass between 9 cones which are spaced at staggered 5-yard intervals.

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At 1/4 of a mile, candidate must drag a human, of average stature and weight, 30 yards.

Finally, at the 3/8 of a mile point, the candidate must begin to perform one push-up at each of the previously mentioned 9 cones.

While carrying a long gun, the candidate must rise from a prone position and cover a pre-determined course of 40 yards within a period of 8 seconds.

- (a) The candidate must Pass a firearms proficiency test consisting of a .223 rifle course, shotgun course, and a tactical pistol course.
- (b) Undergo a psychological examination and an interview with a psychologist to determine psychological stability and functioning under stress.
- (c) Pass an oral interview. The candidate must complete an oral board examination in order to better determine his qualifications for membership to the Team. The oral board panel shall consist of all active Team Leaders, Assistant Team Leaders, and the Team Commander. These personnel will ask questions of the candidate that are applicable and relevant to their suitability for appointment to the ALERT Team.
- (d) The Police Department allows a candidate who does not pass a particular phase to make up that phase later. However, the failure of two phases disqualifies the candidate from further competition. Final assignment to the Team is at the discretion of the Chief of Police.

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Team Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

408.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

- (a) The members of the SWAT Team serve as a team only when the need arises. Otherwise, the members serve in the various divisions within the Police Department. SWAT Team personnel train together twice a month. The Chief, Patrol Sergeant, or SWAT Team Commander may, when necessary, deploy the team for any purpose.
- (b) The SWAT Team has advisory personnel who assist in training and in other specialized areas. Advisory personnel are sworn police officers who respond to and carry weapons at, any scene. However, the use of advisory personnel should primarily be in their area of expertise.
- (c) The SWAT Team Commander is in charge of the unit. The SWAT Team Commander designates a team leader who leads all special operations. The SWAT Team Commander is responsible for the unit's training and equipment needs.

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- (d) The Hostage/Crisis Negotiation Team consists entirely of Police Department personnel. The Hostage/Crisis Negotiation Team Commander is responsible for the unit's training and equipment needs.
- (e) The Patrol Sergeant or his designee must approve any request to use the SWAT or Hostage/Crisis Negotiation Team, unless it is an emergency. Uniformed Services supervisors have the authority to activate the SWAT Team and must do so immediately if they determine that life is possibly in danger. When a supervisor is unsure if activation of the SWAT Team is necessary, the supervisor should contact the Patrol Sergeant, SWAT Team Commander, or Hostage/Crisis Negotiation Team Commander for assistance. In an emergency, the SWAT or Hostage/Crisis Negotiation Team Commander notifies the Chief of the situation, as soon as practical, after activation.
- (f) The command post of any special operation is under the direction of the Patrol Sergeant or his designee.
- (g) The SWAT and Hostage/Crisis Negotiation Teams may respond to a variety of situations including, but not limited to, hostage and barricade situations, suicidal subjects, high risk warrant services, special events, civil disorders, disasters, high risk stakeouts, and requests to protect witnesses and dignitaries.

408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT or HOSTAGE/CRISIS NEGOTIATION TEAM is to respond to the scene. Upon final determination by the Patrol Sergeant, he/she will notify the SWAT Team Commander.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

- (a) Barricaded suspects who refuse an order to surrender.
- (b) Incidents where hostages are taken.
- (c) Cases of suicide threats.
- (d) Arrests of dangerous persons.
- (e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Patrol Sergeant. Deployment of the West Sacramento Police Department SWAT Team in response to requests by other agencies must be authorized by a Division Commander and the SWAT Team Commander.

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408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

- (a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.
- (b) Members of the West Sacramento Police Department SWAT team shall operate under the policies, procedures and command of the West Sacramento Police Department when working in a multi-agency situation.

408.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Patrol Sergeant for the SWAT Team. The Patrol Sergeant shall then notify the SWAT Team Commander. If unavailable, a team supervisor shall be notified. The Patrol Sergeant will then notify the Uniformed Services Division Commander as soon as practical.

The Patrol Sergeant should advise the SWAT Team Commander with as much of the following information which is available at the time:

- (a) The number of suspects, known weapons and resources.
- (b) If the suspect is in control of hostages.
- (c) If the suspect is barricaded.
- (d) The type of crime involved.
- (e) If the suspect has threatened or attempted suicide.
- (f) The location of the command post and a safe approach to it.
- (g) The extent of any perimeter and the number of officers involved.
- (h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT Team Commander or supervisor shall then call selected officers to respond.

408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

- (a) Establish an inner and outer perimeter.
- (b) Establish a command post outside of the inner perimeter.
- (c) Establish an arrest/response team. The team actions may include:
 - 1. Securing any subject or suspect who may surrender.

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2. Taking action to mitigate a deadly threat or behavior.
 - (d) Evacuate any injured persons or citizens in the zone of danger.
 - (e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.
 - (f) Be prepared to brief the CRU Commander on the situation.
 - (g) Plan for, and stage, anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

- (a) The SWAT and Hostage/Crisis Negotiation Teams exist to assist the personnel of the West Sacramento Police Department and benefit the citizens of West Sacramento. The Uniformed Services Commander or his designee is responsible for overseeing the scene of an operation where deployment of the SWAT or Hostage/Crisis Negotiation Team occurs.
- (b) When a call for the SWAT or Hostage/Crisis Negotiation Team occurs, the on-scene supervisor relinquishes -command of the scene to the SWAT Team Commander or Hostage/Crisis Negotiation Team Commander, depending on who arrives on the scene first. Even if the Police Officer on the scene is of higher rank, he relinquishes command. Supervisory patrol or detective personnel are encouraged to consult with any SWAT or Hostage/Crisis Negotiation Team members at the scene until a team commander arrives. Once one of those commanders arrives, the ranking patrol officer or detective briefs him/her with all known information

408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-negotiation/crisis personnel should refrain from any non-emergency contact or interference with any member of the team during active negotiations. Uniformed Services require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with negotiation/crisis personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

Ride-Along Policy

410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for the public to experience the role of a peace officer first hand. This policy provides the requirements and approval process for the Ride-Along Program.

410.1.1 ELIGIBILITY

The West Sacramento Police Department Ride-Along Program is offered to city 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.

Factors for disqualification may include, but are not limited to the following:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Ride-along times will be determined by the Supervisor on Duty, the Watch Commander, or the Chief of Police.

410.1.3 APPLICATION/NOTIFICATION PROCESS

- (a) Applicants shall apply at least three (3) weeks in advance of the requested ride-along date so records checks and scheduling can be accommodated. The following will be excluded from the advance-scheduling requirement:
 - Employees and Volunteers
 - Peace Officers
 - Public officers and officers of the court
 - Others identified by Patrol Sergeants or higher authority
- (b) All applicants shall complete and submit a Ride-Along Program Application, which includes a statement of known medical problems and a release and waiver of liability..
- (c) All actual ride-along participants, except on-duty employees, shall again sign an Indemnity and Hold Harmless Agreement.

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- (d) All accepted ride-along passengers will be notified by phone or email regarding their acceptance and the proposed date and time of the ride-along.
- (e) A copy of the approved application will be placed in the applicable shift Sergeant's mailbox for notification of the pending ride-along.
- (f) After the ride-along has been completed, the application will be forwarded to the Ride-Along Program Coordinator for filing. The applications shall be kept for a three-year period.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Sergeant. The participant will complete a release and waiver of liability 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 Sergeant 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.

410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than one time per year. An exception would apply to the following: VIPs, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Probationary officers will not be allowed to take ride-alongs unless approved by the Chief of Police or his/her designee.

410.2.2 SUITABLE ATTIRE

Any person approved to ride along is required to be suitably dressed. It is recommended that all approved ride-alongs wear non-denim pants and a collared shirt, blouse or jacket and closed-toe shoes. All clothing should be in good condition. 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 or field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members 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 Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-

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duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the West Sacramento Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

410.3 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 and appropriate, 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 Watch Commander, or his/her designee, is responsible for maintaining and scheduling ride-alongs.

410.3.1 WATCH COMMANDER REQUIREMENTS

Instruct ride-along passengers that:

- They are to follow the instructions of the Host Officer at all times.
- The ride may be terminated at any time due to emergency conditions or failure to comply with directions.
- The Host Officer will comply with a rider's request to terminate the ride as soon as possible.
- They are not to handle evidence or police equipment, discuss situations with victims, witnesses or suspects, or otherwise become involved in any investigation.

410.4 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

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- (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 expressed consent of the resident or other authorized person

410.4.1 WEAPONS

Only officers of this Department shall carry firearms, mace, batons, etc. No other person shall carry a weapon during a ride-along. This applies to all outside agency personnel, including sworn peace officers, who wish to participate in a ride-along with members of this Department. If an applicant arrives with a weapon, it shall be stored by the Host Officer in a safe location, such as the trunk of his/her vehicle.

410.5 MEDIA RIDE-ALONGS

Members of the Media will be allowed to participate in ride-alongs with express written consent of the Chief of Police. Media representatives must complete all documents required of any other ride-along participant.

410.5.1 RECORDING DEVICES

To protect the Constitutional rights of the public, recording devices are not permitted during ride-alongs unless expressly authorized by the Chief of Police. If recording equipment is authorized, there are established guidelines and restrictions for their use.

- (a) Recording is prohibited inside of a private residence.
- (b) Recording is prohibited when said recording would violate the Constitutional rights of any involved party.

For additional guidelines and restrictions refer to Policy 345 Media Relations.

Hazardous Material Response

412.1 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.

412.1.1 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.

412.2 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, depending on the 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).
- (f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

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Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 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.

Hostage and Barricade Incidents

414.1 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.

414.1.1 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.

414.1.2 FUNCTION

The West Sacramento Police has an established procedure for handling hostage, barricaded and suicidal person situations. Although actions by the Police Department in hostage, barricaded and suicidal persons situations will vary depending upon such considerations as the aggressiveness, mental condition, emotional state and criminal background of the barricaded person, the Police Department recognizes that barricaded and suicidal persons will generally resist forceful action on the part of police personnel. For this reason it is best not to immediately resort to offensive law enforcement tactics, if possible. Officers who come into contact with hostile, barricaded and suicidal persons or persons with hostages will attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained hostage negotiation personnel.

414.2 POLICY

It is the policy of the West Sacramento 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.

The West Sacramento Police Department recognizes and understands not all suicidal subjects are considered barricaded or require a SWAT and or Negotiator response or immediate police action. There is a distinction between an armed barricaded **suspect** wanted for a crime, and barricaded **subject** who has not committed a crime but only expressed the desire to commit suicide. It is not

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a criminal act to express the desire or even attempt to commit suicide, and suicidal or mentally ill persons are afforded the same level of legal protection as everyone else.

414.3 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 dealing with involved family members, officers should avoid making any promises to family members or loved ones that would suggest a special relationship has been created. Officers should attempt to establish the concerned parties' expectations of on-scene law enforcement personnel.

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.

414.3.1 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, 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 § 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.

414.3.2 WATCH COMMANDER RESPONSIBILITIES

- (a) Responsibilities

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1. The Patrol Sergeant will proceed to the scene and will serve as the Incident Commander unless relieved by a higher member of the Police Department's Command Staff.
2. The Incident Commander will ensure the prompt notification of appropriate personnel, both within and outside the Police Department.
3. The Patrol Sergeant or designee will establish, or maintain if already established, a central command post, in a safe area out of sight of the suspect, and will ensure that both an inner perimeter (to contain the suspect) and an outer perimeter (to prohibit unauthorized access to the area) have been established. The command post should have access to a phone, electricity, and be shielded from natural elements. Uniformed Services officers will maintain security of the command post. The Incident Commander, SWAT Team leader and the Crisis Negotiations Team Commander will direct the operation from the command post. All support personnel including fire and rescue, utility companies, etc., report to the command post. The Patrol Sergeant advises Communications Center personnel what support personnel are necessary.
4. When notified of the situation by the responding officer, the Uniformed Services Supervisor or Commander should direct communications to notify the Crisis Negotiations and SWAT Team Leaders to stand-by and await further instructions. When it appears that the situation cannot be resolved promptly and/or there is a possibility of danger of injury to law enforcement personnel or the public, the Incident Commander will request that the teams be notified by communications and summoned to the scene.

(b) Notifications

1. The Incident Commander will also request that members of the Command Staff be immediately notified of the situation. For such situations, key members of the Command Staff include the Chief, Deputy Chief, Patrol Sergeants and the Uniformed Services Commander and supervisor.
2. Notification and mobilization of Crisis Negotiations Team members and members of the SWAT Team will be in accordance with the notification procedures established within the SWAT notification and response procedures established within the SWAT agreement. Communications will notify team members by radio, pager or telephone. Dispatchers will note the team members responding and advise them of the staging or assembly area.
3. Notification of outside agencies may occur via radio, telephone or teletype message. Notification will include general information regarding the situation and whether agency assistance is being requested. Such requests should also include request for any special equipment needs.

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(c) **Precedence of Command**

1. To provide unity of command during unusual occurrences operations, which may involve personnel from other agencies, an Incident Commander is necessary. The Incident Commander will exercise command and control over all law enforcement resources committed to an operation initiated by the Police Department.
2. The Patrol Sergeant will serve as the Incident Commander unless relieved by a higher member of the Police Department's Command Staff. If a member of the Command Staff assumes responsibility as Incident Commander, the Patrol Sergeant will remain at the scene to provide needed assistance until released by the Incident Commander.

414.3.3 CRISIS NEGOTIATIONS TEAM RESPONSIBILITIES AND COMMAND

(a) Responsibilities and Command

1. Negotiations will only be carried out by trained Crisis Negotiations Team personnel, who will communicate with the hostage taker/armed barricaded or suicidal suspect to arrange release or surrender. The Crisis Negotiations Team leader will keep the Incident Commander advised of any developments.
2. The Crisis Negotiators will attempt to obtain the release of hostages/armed barricaded or suicidal suspect and the surrender of the suspect without injury. The chief negotiator, as designated by the Crisis Negotiations Team Leader, is responsible for directing and coordinating the negotiators.
3. The Incident Commander will maintain an interaction with the Crisis Negotiations Team Leader.
4. Once it has been determined by the Incident Commander that all attempts to obtain a negotiated a release or surrender have failed and that an aggressive action is warranted, the SWAT Team Leader and the Incident Commander will decide the next proper course of action. (For example, chemical agents, sniper, direct assault, etc.) When this course of action is set, the SWAT Team Leader directs the SWAT Team until the action concludes.

(b) **Negotiable Items**

1. If a hostage-taker/armed barricaded or suicidal suspect makes demands, items suitable for negotiation may include food, drink, cigarettes, prescribed drugs and other comfort items. Letting additional persons, weapons, ammunition into the scene is never permissible. The exchange of a hostage for another named person is also never permitted.

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414.3.4 CRIMINAL INVESTIGATIONS OFFICE RESPONSIBILITIES

- (a) The Incident Commander has the authority to call out the number of investigators that are necessary to assist with the on-site and supportive investigative duties.
- (b) Investigators will have the responsibility to gather intelligence, interview witnesses, process crime scenes and handle charge preparations for anyone arrested as the result of the incident. The Office of Criminal Investigations members will function under the command of the Investigations Commander or designee who will report to the Incident Commander during the situation.

414.3.5 COOPERATION AND COORDINATION BETWEEN OPERATIONAL UNITS

- (a) The Crisis Negotiations Team Leader, SWAT Team Leader and the Incident Commander will meet on a periodic basis during the incident to discuss special operations and the role of their individual operational components.
- (b) Procedures will be reviewed and updated to address the following concerns:
 - o Alleviation of potential conflicts and misunderstandings among all components
 - o Safety of officers
 - o Success of missions
 - o Training for department personnel to understand their role in barricaded and suicidal suspect and hostage situations.

414.3.6 COMMUNICATION WITH OTHER AGENCIES

- (a) When other law enforcement agencies are involved in an operation with the Police Department regarding a hostage, barricaded or suicidal person, the Incident Commander will notify the Yolo County Communication Center and request that a regional mutual aid tactical radio frequency be established for communications between agencies.
- (b) If an outside law enforcement agency is involved in such operations which does not have the capability of communicating on the 800 MHZ radio system, an officer from the outside agency should be assigned to the command post who has the ability to relay communications from the command post to outside agency officers.

414.3.7 EMERGENCY MEDICAL TREATMENT/FIRE DEPARTMENT ASSISTANCE

- (a) The West Sacramento Fire Department and local ambulance service should be notified so they are on stand-by and ready to respond if needed for emergency medical treatment and/or special equipment needs.
- (b) If injuries have already been sustained, arrangements should be made to transport the injured to a safe area where emergency medical personnel can provide medical attention or transportation to a medical facility.

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414.3.8 PROVISIONS FOR CHASE AND SURVEILLANCE VEHICLES

- (a) Permitting the movement of a suspect presents a danger to the general public and a difficult control problem. However, if the Incident Commander or the SWAT Team Leader may deems it necessary to allow the suspect to leave in order to gain a tactical advantage.
- (b) In situations where the suspect is permitted to leave the scene, the Incident Commander will request that chase and surveillance vehicles, aircraft and other necessary equipment be available. The travel routes will be determined with the suspect and approved by the Incident Commander and the SWAT Team Leader to ensure the safety of the public and law enforcement personnel.

414.3.9 MEDIA ACCESS AND PRESS RELEASES

- (a) The Public Information Officer (PIO) will be called to the scene of such situations to handle media relations.
- (b) The PIO will establish an information distribution point near the command post and will release information to the media according to Policy Manual 346 "News Media Relations".
- (c) The PIO will be under the direction and control of the Incident Commander for all hostage, barricaded or suicidal situations.
- (d) Police Department personnel involved in hostage, barricaded or suicidal suspect situations will not release information to the media without approval of the Incident Commander.
- (e) Representatives of the media with valid identification will be permitted to enter only the outer perimeter area and assemble at the information distribution center.
- (f) Media personnel will not be permitted to enter or approach the inner perimeter area without approval of the Incident Commander, in which case an Officer must accompany them.
- (g) When a police perimeter has been established media personnel interfering with or jeopardizing the safety of persons involved in rescue operations may be restrained and/or charged with any applicable law, e.g. 148 P.C., 148 P.C., or 2800 C.V.C.

414.4 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

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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.

414.4.1 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).
- (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 or 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 Public Information Officer (PIO).
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

414.4.2 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

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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.
- (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 PIO.
- (m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 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 a Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT 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.

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- (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).
 - 1. 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.
- (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 Yolo Emergency Communications Agency.
- (i) Identify a media staging area outside the outer perimeter and have the department Public 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.

414.6 SWAT RESPONSIBILITIES

The Incident Commander will decide, with input from the SWAT Commander, whether to deploy the SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT Team. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

414.6.1 OPTIONS TO STRATEGICALLY DISENGAGE FROM BARRICADED SUSPECTS

The actions of first responders will be weighed against the information known, governmental interest, subject's actions, and efforts to deescalate the situation. First responders may choose

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to strategically disengage to avoid resorting to force when it is determined the primary concern is self-harm, and he/she has not committed a serious or violent crime. The decision to disengage should be in-consideration of the totality of the circumstances, including supervisory approval, and (if available) in consultation with a Crisis Intervention Team member(CIT). In instances where the decision is made to strategically disengage, the CIT shall be notified when time allows. This notification provides CIT information for possible contact, at a later date and time when the subject may be more receptive to intervention.

414.7 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.

Mass Arrest/Demonstration Procedures

415.1 PURPOSE AND SCOPE

It is the policy of the police department to allow persons to enjoy and exercise rights under the Constitutions of the State of California and the United States. Those rights include the right to free speech and to peacefully assemble. While a police response is rarely necessary for a passive non-violent protest, violent demonstrations or riots, where there is imminent or expected danger to persons or property, do require immediate and planned response from law enforcement.

When the police are forced to make mass arrests or respond to demonstrations or riots there is increased potential for violence, destruction of property and over taxation of local and surrounding agency resources. Even though a situation involving mass arrest may be tense, rapidly evolving, and require split-second decisions be made, any arrests shall be made only after there is an individual determination of probable cause supporting the arrest. Therefore, the need exists for a procedure to assist personnel in making the appropriate decisions in response to actual incidents.

415.2 PROCEDURE

415.2.1 DECISION TO ARREST OR FORM SKIRMISH LINES

The Incident Commander (I.C.) or Patrol Sergeant should consider the following prior to mass arrest or formation of skirmish lines:

- (a) The size and type of violation or incident
- (b) The actual or anticipated behavior or potential for violence from the group of violators. Large groups of violators throwing bottles or objects, burning property, blocking freeways or uncontrolled highways, or engaging in actual violence towards others is behavior which will generally result in the implementation of this procedure. The Patrol Sergeant or I.C. is ultimately responsible for making that decision.
- (c) The number of police officers available to make arrests or form skirmish lines
- (d) The location of the violation and potential for violence, bystander injury, or property damage
- (e) The history of the violator group(s). The identity of the violator(s) and whether they are known or unknown. If the decision is made to affect arrests or form skirmish lines, they should, as a general rule, not be made until sufficient police personnel and appropriate safety equipment are "on scene" to maintain control.

415.2.2 INITIAL RESPONSE

- (a) The Patrol Sergeant shall notify the appropriate Division Commander when a known or potential large demonstration or mass arrest situation exists. The Uniformed Services Commander should assume command responsibilities from the Patrol Sergeant, as appropriate. In absence of higher authority, the Patrol Sergeant is the I.C.

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- (b) The initial I.C. is responsible for notifying the Uniformed Services Division Commander of any actual mass arrest or demonstration. Dependent on the size or magnitude of the incident, additional Division Commanders may be summoned.
- (c) For Mass Arrests resulting from assembly-based violence
 1. The Uniformed Services Division Commander will be the I.C. and staff the Department Uniformed Services Center (DOC) or Emergency Uniformed Services Center (EOC), as needed.
 2. An available Uniformed Services Commander or the Uniformed Services lieutenant responsible for the Uniformed Services Section.
 3. One of the Patrol Sergeants shall be responsible for Tactical and Field Uniformed Services (branch in Uniformed Services section).
 4. The Professional Standards Sergeant, or other designated sergeant, shall be the press information officer (PIO) under the I.C.
- (d) The I.C. shall:
 1. Determine the approximate number of officers and support personnel needed for crowd control, arrests, booking, perimeter positions, relief, and transportation.
 2. Be responsible for the deployment of all personnel assigned to the incident. Assignments may be based on attached operational plans. Requests for outside agency assist or mutual aid shall be made pursuant to countywide Mutual Aid Agreement. Non-police personnel may be summoned and deployed at the direction of the I.C.
 3. Designate a command post and assign sufficient personnel to each function in the Incident Command System. The command post should be safe, securable, and have telephone communications.
 4. Select an appropriate radio frequency.
 5. Designate a staging area at which personnel or equipment may be held in reserve. It should be away from the public's view in a designated safe area, have telephone communications and provide for the needs of staged personnel. Assign a staging manager to account for the availability status of all personnel and equipment.
 6. Assign a Public Information Officer and a location, fairly close to the scene, for press communications.

415.2.3 COMMAND STRUCTURE

- (a) Mass Arrests Non-Violent Typical Command Structure Mass Arrest (Non-violent)

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1. The Line Squads are primarily responsible for initial interaction with the offenders. The line will generally move or control crowds, provide scene security, and protect the arrest teams.
2. The I.C., or the designee, is responsible for advising the offenders of the Unlawful Assembly Admonition.
3. The Arrest Team is responsible for making the actual arrests.
 - (a) The Arrest Team Supervisor, or designee, while being video-taped if at all possible, will approach each individual to be arrested and advise:
 1. Of the arresting officer's identification.
 2. Of the charge for which the violator is subject to arrest.
 3. That if the suspect leaves now and does not return they will not be arrested.
 4. That they are ordered to leave now.
 - (b) If the person refuses to leave, the Arrest Team Supervisor will advise:
 1. "You are under arrest for violation of _____."
 2. "If you resist, a charge of 148PC, Resisting Arrest, will be added and you will force us to use pain compliance control holds."
 - (c) At least three officers will physically move that person to the transportation or booking area, while the Arrest Team Leader repeats the procedure with the next suspect.
4. Field Booking
 - (a) The Booking Team Leader will select a location for the field booking. It should be close enough to the scene so the arrest teams may easily walk prisoners to it, yet far enough away to be safe.
 - (b) The arrest teams will walk the prisoner to the field booking station where the following will occur:
 - (a) A 4X6 card with the charge and name of the suspect will be held in front of the suspect's chest by one of the arresting officers.
 - (b) A digital picture will be taken of the suspect and that officer.
 - (c) An "Arrest Admonition" form will be completed by the field-booking officer. It captures the arresting officer's name and the name and DOB of the arrestee.

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- (d) If the suspect has no identification, whatever name is orally given may be used, because another booking will occur. Note the fact that there was no ID, on the Arrest Admonition form.
 - (e) The Arrest Admonition Form will be placed in a large envelope with the arrestee's name on the outside.
 - (f) A cursory body search will be made of the suspect prior to being placed in the transportation vehicle. It may be made sooner if the arresting or booking officer wishes. Any contraband will be placed in the booking envelope to, either be placed into evidence, or returned after the station booking. Illegal weapons will be taken as evidence and the suspect charged accordingly.
 - (g) All arrestee booking envelopes will be given to the transportation officer to accompany the suspect to the station booking area.
5. Transportation
- (a) In an otherwise non-violent encounter, one or three violent people may bypass the station booking and be transported directly to the Yolo County Jail.
 - (b) Depending on the number of prisoners, Department vans, Yolo Sheriff's Dept. jail vans, other public buses, or California Dept. of Correction's buses may be used to transport people to either the station booking or the Yolo County Jail.
 - (c) At least one officer should accompany the driver in every transport vehicle. The field-booking supervisor will determine the number of transport officers per vehicle.
 - (d) Seat belt restraints need not be used for the prisoners.
6. Station Booking for Arrestee's who will be released on Notices-to-Appear
- (a) The Department booking facility and secure sally-port may be used as the booking area, dependent on the number of arrestees.
 - (b) Each arrestee will be booked, processed, and released as any other similar offender. However, arrestees who may return to the scene of the demonstration or who pose risk of repeating the offense may be lodged at the county jail.
 - (c) The entire incident will have the same case number.
- (b) Mass Arrest (Violent Protests/Demonstrations)- A violent situation is one in which there are physical assaults toward others or a significant destruction of property. Resisting arrest by going limp is not considered violence.

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- (a) The Line Squads are primarily responsible for initial interaction with the offenders. The line will generally move or control crowds, provide scene security, and protect the arrest teams.
- (b) The Arrest Team is responsible for making the actual arrests.
 - (a) The Field Ops Commander, or their designee, is responsible for giving the order to disperse. Following an order to disperse, the Arrest Team Supervisor will direct the arrest team towards those to be arrested. The supervisor is responsible for advising the suspect of the arrest.
 - (b) Use of Force shall be pursuant to Policy 300.
 - (c) At least three officers will physically move that person to the transportation or booking area, while the Arrest Team Leader repeats the procedure with the next suspect.
- (c) Field Booking
 - (a) The Booking Team Leader will select a location for the field booking. It should be close enough to the scene so the arrest teams may easily walk prisoners to it, yet far enough away to be safe.
 - (b) The arrest teams will walk the prisoner to the field booking station where the following will occur:
 - (a) A 4X6 card with the charge and name of the suspect will be held in front of the suspect's chest by one of the arresting officers.
 - (b) A digital picture will be taken of the suspect and that officer.
 - (c) An "Arrest Admonition" form will be completed by the field-booking officer. It captures the arresting officer's name and the name and DOB of the arrestee.
 - (d) If the suspect has no identification, whatever name is orally given may be used, because another booking will occur. Note the fact that there was no ID, on the Arrest Admonition form.
 - (e) The Arrest Admonition Form will be placed in a large envelope with the arrestee's name on the outside.
 - (f) A cursory body search will be made of the suspect prior to being placed in the transportation vehicle. It may be made sooner if the arresting or booking officer wishes. Any contraband will be placed in the booking envelope to, either be placed into evidence, or returned after the station booking. Illegal weapons will be taken as evidence and the suspect charged accordingly.

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- (g) All arrestee booking envelopes will be given to the transportation officer to accompany the suspect to the station booking area.
- (d) Transportation
 - (a) Violent arrestees may bypass the station booking and be transported directly to the Monroe Detention Center.
 - (b) Depending on the number of prisoners, Department vans, Yolo Sheriff's Dept. jail vans, other public buses, or California Dept. of Correction's buses may be used to transport people to either the station booking or the Monroe Detention Center.
 - (c) At least one officer should accompany the driver in every transport vehicle. The field-booking supervisor will determine the number of transport officers per vehicle.
 - (d) Seat belt restraints need not be used for the prisoners.
- (e) Station Booking for Arrestee's who will be released on Notices-to-Appear
 - (a) The Department booking facility and secure sally-port may be used as the booking area, dependent on the number of arrestees.
 - (b) Each arrestee will be booked, processed, and released as any other similar offender. However, arrestees who may return to the scene of the demonstration or who pose risk of repeating the offense may be lodged at the county jail.
 - (c) The entire incident will have a single case number.

415.3 ADMONITIONS

- (a) Warning to Disperse
 - 1. The following is the order to disperse.
 - (a) I am _____ of the West Sacramento Police Department. I am declaring this an unlawful assembly. You are violation of _____ and are subject to arrest.
 - (b) You have _____ minutes to leave this location. You may leave by _____ (provide 2 routes).
 - (c) You are ordered to leave. If you fail to leave, you may be subject to police batons, chemical agents, and impact munitions, or any force deemed necessary.
- (b) Arrest Admonition

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- (a) I am placing you under arrest for _____. Please come peaceably and under your own power. If you do not, an additional charge of resisting arrest will be made. If you do not come on your own power, you will force us to use pain compliance control holds on you.

Response to Bomb Threats, Suspicious Objects, Found Explosives or Explosive Materials, and Arson Investigation

416.1 PURPOSE AND SCOPE

West Sacramento Police Department These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents and Arson Incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

416.2 POLICY

It is the policy of the West Sacramento Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.3 FOUND EXPLOSIVES/ SUSPECT DEVICES

a. Bomb threat- is any report that an explosive device has been or will be placed or secreted in any public or private place. Bomb threats in the US are almost always false, with the real intention to disrupt the operations at the location rather than warn of the presence of a bomb.

b. Bomb - An explosive device detonated by impact, victim activation, remote control, a timing mechanism, or other predetermined means. Another common name for a homemade bomb is an Improvised Explosive Device (IED).

c. Bomb Squad- is a FBI accredited team of bomb technicians specifically trained to handle and render safe bombs and explosives, conduct post blast investigations, searches, dignitary protection, and other explosives related procedures. The Yolo County Bomb Squad is the bomb squad for the City of West Sacramento and the rest of Yolo County as outline in the ALERT MOU, and is on 24/7 call via the Yolo Emergency Communications Agency. Another term for the bomb squad is the Explosive Ordnance Disposal (EOD) team.

d. Explosive €š# All manufactured or improvised materials which explode or deflagrate when initiated, creating heat, shock, and blast effects.

e. "Suspicious Object" - Any object which does not belong in an area whose nature and presence cannot be adequately explained by the totality of circumstances. Any item which looks "unusual" or appears to be "out of place." Something that should not be there. Once an item is deemed suspicious, it should not be touched or handled, the area around it cleared, and the bomb squad summoned to determine if it is a threat.

f. Destructive Device- Destructive Device is defined in Penal Code Section 16460.

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416.4 EXPLOSION/BOMBING INCIDENTS

- a. If a bomb threat is received in writing, all materials must be saved, including any envelope or container.
- b. Once a message is recognized as a bomb threat, further unnecessary handling should be avoided. Every possible effort must be made to retain evidence such as fingerprints, handwriting or typewriting, paper and postal marks.
- c. The police officer may initially be dispatched to the call by telephone (This is not necessary for safety but to keep the information off the air). The dispatcher will give the officer as much information as is available about the incident. This information will include if available:
 - (a) The location of the call
 - (b) The contact person
 - (c) If the building has been evacuated
 - (d) Command center location
 - (e) If a search has or is being conducted
 - (f) If any suspicious objects have been found

416.4.1 NOTIFICATIONS

- a. The officer should advise dispatch he/she is arriving on scene via radio or computer approximately one (1) block or greater away from the scene. After doing so, the officer should refrain from TRANSMITTING on the radio from the scene. It is preferable in such circumstances to communicate by LANDLINE telephone, however if absolutely necessary, wireless communication should be, in order of preference, (1) cell phone or (2) portable radio. Due to the significant wattage of mobile radios, they should not be used.
- b. Upon arrival at the scene, the officer should survey the site and its surroundings for any potentially dangerous conditions. This includes the presence of employees, the public conducting business at the location, any bystanders, or suspicious vehicles.
- c. The site should be surveyed for the presence of any flammable, toxic, or other hazardous materials which could increase the destructive potential of an (omit-improvised) explosive device, should a detonation occur.
- d. The police radio or cellular phone should not be used for communication while at the location. Some explosive devices are initiated by means of an electric blasting cap or electronic remote control device and can be triggered by radio or cellular phone transmission. Use a land line telephone to make notifications, contact the dispatcher, request assistance, etc. If a radio is accidentally used (transmit) do NOT consider the location safe for radio use and do not do it again.
- e. Once the bomb threat has been received, immediate action must be taken to analyze the threat and take appropriate response action. Basic bomb threat evaluation involves assessing the credibility of the message and selecting one of three possible alternatives:

- (a) **Take no action**

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~~(b) Search without evacuation~~

(c) Evacuate and search

f. The person in charge of the location where only a threat has been directed and nothing suspicious has been found, is responsible for determining what action is to be conducted. It is preferred that people familiar with the location conduct any actual search with police/fire remaining at a command post in a coordination, NOT search, role. Searches are best conducted by two person teams and they MUST be admonished NOT to TOUCH any suspicious objects found as a result of the search process. If a suspicious item is found, one person walks to the command post to report the find while the other closes off the vicinity of the find. Suspicious items should be isolated, at minimum the immediate area evacuated, and the search process continued until the entire threat location has been checked. Remember that a suspicious item is just suspicious, and the entire threat location needs to be completely checked. Searchers should concentrate in public access areas first, such as the exterior grounds, lobbies, hallways, elevators, bathrooms, and other public access spaces. Areas not normally open or accessible to the public are less likely locations although they should still be checked.

- (a) If an explosive detection K-9 is thought to be needed to assist with a scene search, one should be requested by contacting the bomb squad supervisor. Generally, explosives detection K-9's should NOT be used unless the bomb squad is on-scene to handle any finds.

g. If anything suspicious is found, the county bomb squad should immediately be called to determine if the suspicious item is a threat, and to neutralize any such item. No one should move, tamper with or otherwise handle anything deemed suspicious. The bomb squad is equipped to examine such items safely. While the bomb squad is enroute, fire and EMS should be staged in a safe location near the scene.

h. It is the responsibility of the person in charge of the facility to determine if evacuation is necessary, IF nothing suspicious has yet been found. The police do NOT have the authority to order an evacuation until something suspicious has been found. At the point when a suspicious item has been found, the decision making authority switches from the property owner/facility manager to law enforcement, under 409.5 PC, as the suspicious item constitutes an emergency. Therefore, law enforcement can then order an evacuation, whether the property management wants it or not.

i. If the decision has been made to evacuate the facility, the evacuation should be done as quickly and safely as possible, with the assistance of the responding officer(s) to ensure the evacuation is complete.

j. The evacuation distance shall be no closer than 300 feet, out of the line of sight of the suspicious item, under cover, and away from glass.

k. If there is no cover available, the evacuation distance shall be no closer than 1000 feet.

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~~t. The scale of the evacuation will depend upon the size and location of the object. As a general rule, the floor the item is on as well as the floor immediately above and below the object will be evacuated.~~

- (a) The bomb squad may instruct other areas to be evacuated.
- (b) When evacuating, REMEMBER: If you can see the explosive device you are probably in the blast area. Whenever possible, get behind cover and do not look toward the suspicious item. Stay out of sight until the "all clear" has been given.
- (c) Evacuees should NOT be allowed to leave the evacuation area but should remain on scene as potential witnesses. Given that most all bomb threats are hoaxes, the evacuees, especially students, should not be rewarded by getting out of school or work early due to a hoax threat. Experience has shown that threats will continue until the reward of work release is eliminated.

m. The police dispatcher should be kept informed by telephone of developments, especially if an actual or suspected improvised explosive device is located. Additional police, fire, and EMS personnel needed securing the location should be requested through the dispatcher or supervisor.

n. Bomb threats are a crime under 148.1 PC and should always be documented on a crime report. All bomb threat reports will be forwarded to the Yolo County Bomb Squad for reporting to the Bureau of Alcohol, Firearms and Explosives Bombing Arson Tracking System (BATS).

o. If you need to consult with the bomb squad about a particular incident, an on-call bomb tech is always available 24/7 via the Yolo County Emergency Communications Agency.

416.5 BOMB THREATS RECEIVED AT POLICE FACILITY

- a. Explosive devices are intended to injure/kill people and/or cause property damage.
- b. Found commercial explosives, military ordnance, and blasting caps can also injure or kill, and cause property damage
- c. When a suspicious object, explosive, or suspected IED is located, certain actions MUST be taken immediately:
- d. Once the evacuation has been ordered (see section C above on Evacuations) get immediate supervisory approval to request the Bomb Squad. Fire Department and EMS should be requested to stage near the scene. This request should be done by telephone to the dispatch center.
- e. Verify that the object is suspicious and the circumstances surrounding the find, if it is safe to do so.
- f. Question personnel in the area and attempt to determine the ownership and origin of the object, if possible.
- g. Even if the ownership is identified, do not allow the object to be disturbed. Wait for the Bomb Squad to arrive and evaluate the item.

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~~h. When a "suspicious" object is located, police should briefly check the vicinity to ensure that there are no other devices present. Such a brief search should only be conducted if it can be done quickly and without risk to the police/fire searchers.~~

- (a) Any suspicious device should NEVER be touched OR disturbed, nor should anything in the immediate area.
 - (b) Instead, if practical, quickly visually note the item's description:
 - (c) Size, shape, exposed components
 - (d) Specific location and orientation
 - (e) Any Odors
 - (f) Sounds, such as ticking, etc.
 - (g) Take digital photos if safe to do so from a distance 8. Pass this information along to the Bomb Squad.
 - (h) Pass this information along to the Bomb Squad.
- i. The item MUST NEVER BE TOUCHED OR MOVED, regardless of whether it has already been handled in the past. Move people not suspicious objects.
- j. NO ATTEMPT AT DISARMING the device should be made by any personnel other than Bomb Squad. Evacuation of persons from the IED's vicinity MUST be done IMMEDIATELY.
- k. Everyone should be cleared from the area prior to the arrival of the Bomb Squad. This includes all emergency personnel.
- l. Police Officers should set up and maintain perimeter control.
- m. The building/scene should be secured, streets blocked off, and all traffic (pedestrians and vehicles) should be diverted.
- n. Only Bomb Squad personnel should enter the building/scene unless otherwise authorized by Bomb Squad personnel.
- o. After a Code 4, perimeter control must be maintained until advised by EOD personnel to allow time for equipment used at the scene to be removed prior to the occupants return to the affected area.
- p. In all cases in which items constituting a destructive device are located, Bomb Squad personnel will be notified to determine the need for response and to coordinate the criminal investigation.
- q. In all cases in which explosives, suspected explosives, improvised explosive devices or destructive devices are located, the incident will be documented on a crime or incident report and forwarded to the Yolo County Bomb Squad for reporting to the Bureau of Alcohol, Firearms and Explosives Bombing Arson Tracking System (BATS).

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Response to Bomb Threats, Suspicious Objects, Found Explosives or Explosive Materials, and Arson Investigation

~~416.5.1 BOMB THREATS RECEIVED BY TELEPHONE~~

- a. Safety of response personnel and the public is the primary initial concern when responding to a post blast situation. The blast could be a lure to get public safety personnel in close to a secondary device, or the initial explosion could have been incomplete, scattering live materials about.
- b. Enter the scene cautiously. Do not use radios. Establish an initial perimeter by finding the general vicinity of the blast and the furthest item of fragmentation from that blast seat. Now at least double that distance as the initial perimeter.
- c. Do not enter the perimeter unless it is necessary to treat injured parties. The injured should be moved out due to the threat of live explosives being present. If entry is made, establish a safe route in and out, and have everyone use that route, so as to avoid hazards and scene contamination.
- d. If responding emergency vehicles initially park within the perimeter, leave them there and clear personnel and the injured. The vehicles should remain until they can be cleared by the bomb squad. Obviously deceased persons should not be moved.
- e. Immediately request the bomb squad so that the scene can be checked for secondary or unexploded items. After checking the scene for secondary devices, the bomb squad will assist in the organization of the bombing investigation.
- f. In all cases in which a bombing or explosion occurs, the incident will be documented on a crime or incident report and forwarded to the Yolo County Bomb Squad for reporting to the Bureau of Alcohol, Firearms and Explosives Bombing Arson Tracking System (BATS).

416.5.2 RESPONSIBILITIES

- a. Contact dispatch and request the Yolo County Bomb Squad to respond under the following circumstances:
 - (a) Seizures of exploding fireworks M-80 type/size or greater.
 - (b) Seizures of fireworks in which you are charging the suspect for possession.
 - (c) Seizures of large quantities of fireworks.
- b. On seizures of firecrackers, bottle rockets and other types of non-exploding fireworks, WITH NO PROSECUTION, please do the following:
 - (a) Request a case number and complete a property report in the electronic evidence system. The items shall be inventoried and documented in the property report.
 - (b) Enter a summary of the circumstances of the seizure in the comments/ summary area of the property report.
 - (c) Indicate in the stored location that the items are being stored in the Bomb Squad magazine. The officer may turn the items over to an available bomb squad member or place them in the storage container in the armory. If items are placed in the armory the officer must notify a member of the bomb squad that the items were stored.
 - (d) A bomb squad member will take custody of the items and transfer them to the Yolo County Bomb Squad Magazine for storage and disposal.

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~~c. SAFETY ISSUE: Although we may feel illegal fireworks are safe to handle and some may have handled them for years, illegal fireworks (M-80 type and larger) are classified as explosives by California law based on the powder weight contained inside. They are also volatile due to the "flash powder used inside" and can be unsafe to handle and transport. If you seize these types of items, especially in large quantities, contact us to respond and take possession of the item(s). They should not be stored with other fireworks and require a separate type of disposal.~~

d. With regard to all types of fireworks, the West Sacramento Police Department does not have an approved storage container for fireworks. Therefore, all fireworks are stored in the bomb squad fireworks or explosive magazines or turned over to the California State Fire Marshal's Office for disposal.

416.6 ARSON INVESTIGATIONS

a. It shall be the policy of the West Sacramento Police Department that arson investigations be coordinated with the West Sacramento Fire Department.

b. Officers shall cause the West Sacramento Fire Department (WSFD) to be notified of all fires.

c. Officers should assist Fire Investigators with reasonable requests (e.g. collecting of evidence, transporting/booking prisoners, preserving the scene, taking witness statements).

d. West Sacramento Fire Investigators will assume the primary role in the cause and origin determination of a fire. The responding West Sacramento Police Officers will conduct the initial criminal investigation. If the circumstances of the investigation (death, significant damage, commercial structure etc.) require the need for a West Sacramento Police Detective to assist with the investigation, the Investigations Sergeant or Lieutenant will be contacted and have the final approval of the response.

e. The primary West Sacramento Police Officer or designated Investigator will prepare a crime report on all incidents in which arson is suspected. In all fires determined to be suspicious, an incident report will be completed. West Sacramento Fire Investigators will complete a West Sacramento Fire Investigation report with the cause and origin determination which will supplement the West Sacramento Police Department report. A copy of the report shall be forwarded to the Yolo County Bomb Squad for reporting to the Bureau of Alcohol, Firearms and Explosives Bombing Arson Tracking System (BATS).

f. If the fire investigation requires follow-up investigation (witness and suspect interviews, evidence processing etc.) this follow-up will be conducted by a Detective in coordination with the Fire Investigator and members of the Yolo County Bomb Squad when necessary. f. In the event West Sacramento Fire Investigators request evidence be collected, the evidence will be collected and booked into evidence by members of the West Sacramento Police Department. In the event special evidence collection or crimes scene processing assistance is needed, Crime Scene Investigators, members of the Yolo County Bomb Squad and the Bureau of Alcohol, Tobacco, Firearms and Explosives may be contacted for assistance through normal response procedures.

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~~g. In the event of a fire in which a destructive device or suspected destructive device may have caused a fire, the Yolo County Bomb Squad will be notified to assist with the investigation.~~

h. In all cases in which arson occurs, the incident will be documented on a crime or incident report and A copy of the report shall be forwarded to the Yolo County Bomb Squad for reporting to the Bureau of Alcohol, Tobacco, Firearms and Explosives Bombing Arson Tracking System (BATS).

HOMELAND SECURITY

417.1 PURPOSE AND SCOPE

The procedure establishes guidelines for reporting and relaying terrorism related information and provides employees with awareness level guidelines for events involving Chemical, Biological, Radiological, Nuclear and Explosive (CBRNE) attacks.

417.2 LIAISON WITH EXTERNAL ORGANIZATIONS

(a) The West Sacramento Police Department maintains a liaison with other organizations for the exchange of information related to terrorism. This liaison may be in the form of direct contact with specific departments and/or through such organizations as the Sacramento Regional Terrorism Threat Assessment Center, Western States Information Network, California Office of Homeland Security, and United States Department of Homeland Security and the FBI.

- The Terrorism Liaison Officer Coordinator (TLO-C) is responsible maintaining liaison with other organizations and dissemination of terrorist related information within the department.
- The management of all general intelligence information and dissemination will be coordinated through the Special Investigations Unit Sergeant or designee under the procedures set forth in West Sacramento Police Department Police 608 Criminal Intelligence.
- All terrorism related intelligence will be coordinated through the Terrorism Liaison Officers or West Sacramento Police sworn personnel assigned the Sacramento FBI Joint Terrorism Task Force.
- Terrorism Liaison Officers (TLO) and the Terrorism Liaison Officer-Coordinator (TLO-C) will be designated by the Chief of Police. The TLO's and TLO-C are required to complete a Terrorism Liaison Officer training course and must be authorized by the Sacramento Regional Terrorism Threat Assessment Center prior to serving in the position. The TLO's and TLO-C will serve as the primary information coordinators for terrorism related information and intelligence.
- The West Sacramento Police Department member assigned as the department representative to the Sacramento Regional Threat Assessment Center (RTAC) will serve as the TLO-C.

417.3 REPORTING TERRORISM RELATED INFORMATION

(a) Any officer receiving information concerning possible terrorism activities will immediately notify the patrol supervisor or Watch Commander and complete an incident or crime report. The patrol supervisor or Watch Commander will notify the one of the department's Terrorism Liaison Officers (TLO).

- The assigned TLO will determine the validity of the information and notify the TLO-C.

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- The appropriate response from the department will be initiated, which may include the notification of other department personnel, other local law enforcement agencies, or the appropriate state and federal agencies.
- The Chief of Police will be notified when the information requires notification of federal agencies.

(b) Patrol Officers, detectives, and other police employees should look for and report the following and other suspicious items or events that may link a subject to terrorism:

- Unusual items in vehicles or residences Suspicious identification characteristics such as fraudulent or altered license
- Multiple IDs with names spelled differently Thefts, purchases or discovery of weapons, explosive materials or other tactical equipment Testing of security systems and responder behavior
- Advanced payments for apartment or vehicle rentals
- Payments in cash Credit card fraud, money laundering, counterfeit cigarette tax stamps
- Links between gangs and international organizations

(c) PROVIDING PUBLIC AWARENESS INFORMATION

- The West Sacramento Police Department's website provides terrorism awareness information and methods for reporting suspicious activity that may be related to terrorism.

417.4 CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR AND EXPLOSIVE (CBRNE)

(a) Chemical Weapons: Chemical agents can enter the body by inhalation of the chemical agents, absorption through the skin or eyes, injection into the body by flying glass or shrapnel, or by ingesting with food or water. A likely delivery method is in the form of a gas or as an aerosol spray. There are numerous chemical agents each with different symptoms and effects. The most common families of chemical agents are:

- Nerve Agents: Nerve agents attack the victim's nervous system. Most belong to the family of chemicals known as organophosphates. Many common pesticides belong to this family of chemicals.
- Blister Agents: Blister agents also known as vesicants attack the skin of the victim resulting in blisters and skin burns. Mustard gas and Lewisite are common blister agents.
- Blood Agents: Blood agents attack the ability of the blood to hold and deliver oxygen. The victim suffocates. Cyanide gases and compounds are the most common types of these agents.

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- Choking Agents: These chemicals attack the lungs causing them to fill with fluid. Chlorine gas and phosgene are typical choking agents.

(b) Incapacitating Agents: These agents usually irritate the skin, mucous membranes, eyes, nose, lips and mouth. They may cause vomiting or intolerable pain. While they may lead to serious medical situations such as seizures or heart attacks, they are not designed to kill or cause permanent harm. Used alone, the intention is to temporarily incapacitate or harass the target, or force them to evacuate the area. However, incapacitating agents may be used in combination with other agents to force responders to remove their gas masks and other protective gear, so that they will be exposed to lethal doses of the other agent. Examples of incapacitating agents are pepper spray, tear gas, riot control agents and several military chemicals from different nations.

(c) Biological Weapons: Biological weapons present a serious challenge for response planning. There is risk that a biological attack may not be detected until days or even weeks after it happens. First responder resources, therefore, may be of little use at a bioterrorism incident unless it is detected promptly. There are two types of biological weapons:

- Pathogens: These are disease-causing organisms, some of which can reproduce and keep spreading long after the attack. The potential for many thousands of casualties is possible but the more likely number is much less because of the difficulty of efficiently delivering the pathogenic agents to large numbers of people. Pathogens can be bacteria such as anthrax, viruses such as smallpox, or fungi like yeast and molds, mycoplasmas that cause pneumonia and similar problems, or rickettsiae. Plague, smallpox, anthrax, hemorrhagic fever, and rabbit fever are known to be probable biological weapons. Not all diseases are contagious, and many have a low mortality rate when properly treated.
- Toxins: Toxins are poisonous substances produced by living things. Many toxins are extremely lethal and small quantities can kill very large numbers of people. In many ways a toxin attack is more like a chemical attack than a biological one. Some possible toxin weapons are ricin, botulism toxin, and aflatoxin. Again, the difficulty for the terrorist is in finding an effective way to disperse or distribute the toxin.

(d) Radiological Dispersion Devices (RDD): An RDD or "dirty bomb" is an explosive intended to spread radioactive material from the detonation of conventional explosives. Radiation comes from the decay of radioactive isotopes of certain elements and compounds. Radiation can be in the form of alpha, beta, or gamma rays. All three are odorless and colorless and can be detected only with radiation detectors. The primary hazard will be from dust contaminated with radioactive sources. It will be very important for the first responder to use respiratory protection to avoid breathing in the radioactive dust.

(e) Explosives: Explosives are the most common terrorist weapon in the world. Terrorists can make lethal explosives from readily available materials, many of which are uncontrolled and attract little attention. The availability of many of these materials, along with the widespread proliferation of techniques for making homemade explosive (HME) mixtures and improvised explosive devices

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(IEDs), enables terrorists to assemble weapons even when deprived of commercial or military explosives. Response to Explosive Incidents is outlined in West Sacramento Police Department Policy 416.

417.4.1 CBRNE INDICATORS

(a) Patrol Officers, detectives, and other police employees should look for and report the following and other suspicious CBRNE-related indicators:

- Theft of large quantities of baby formula (may be used to grow specific cultures).
- Theft or solicitation of live agents, toxins or diseases from medical supply companies or testing and experimentation facilities
- Multiple cases of unexplained human or animal deaths.
- Thefts of agricultural sprayers, crop-dusting aircraft, foggers or other dispensing systems.
- Suspicious inquiries regarding local chemical or biological sales, storage or transportation points and facilities.
- Inappropriate inquiries regarding heating and ventilation systems for buildings or facilities by persons not associated with service agencies.

417.4.2 CBRNE AWARENESS

(a) In the event of a CBRNE terrorist attack, the West Sacramento Police Department's primary objective is to secure and isolate the target area and assist the FBI in the criminal investigation of the incident. Department response to incidents involving CBRNE or other hazardous materials will be accomplished in accordance with WSPD Policy and the City Emergency Operations Plan. In the event of a terrorist attack, officers should use caution if the explosion seems to do little damage. A small explosive device might be used to disperse chemical, biological or even radioactive agents. Another purpose of a small device might be to bring large numbers of first responders, who are then subjected to a larger, hidden secondary explosive device.

(b) Another immediate problem for responders and victims is the potential for asbestos exposure. Older buildings may contain asbestos as insulation, pipe coverings, siding or roofing, flooring, adhesives, floor or ceiling tile and wall panels. Any explosion or collapse may cause this asbestos and other toxic materials to become airborne in hazardous levels. Immediately, the primary inhalation threat and decontamination problem will be dust. Any expedient breathing protection should be used--masks, wet towels, handkerchiefs, etc.--while exiting the area immediately.

417.4.3 CBRNE EQUIPMENT

(a) All equipment utilized by the West Sacramento Police Department will meet the standard for the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRNE equipment. (b) Current issued personal protective equipment (first responders):

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- Ballistic/Riot Helmet
- Gas mask
- CBRN PPE Kit

(c) Each employee whom will operate in a hazardous environment is trained in the use of and issued CBRNE equipment. West Sacramento Police Department Police 1017 Respiratory Protection addresses the use of gas masks and Self Contained Breathing Apparatus (SCBA).

417.5 RESPONSE TO CBRNE INCIDENTS

(a) All terrorism related incidents fall under the jurisdiction of the Federal Bureau of Investigations. The West Sacramento Police Department will serve as a First Responder in a terrorist related incident and assist the Federal Bureau of Investigation (FBI) with identifying the type of incident, evacuation, containment and investigation.

(b) Response to incidents involving suspicious packages/items, suspected explosive devices and military ordinance which have not been determined to be terrorism or Weapons of Mass Destruction related is outlined in West Sacramento Police Department Police 416.

417.6 GENERAL PROCEDURES FOR RESPONDING TO CBRNE INCIDENTS

Each CBRNE incident will have specific operational response considerations depending on the type of incident. The following procedures shall be followed in all CBRNE incidents.

(a) Communications Responsibilities

- Upon receiving a report of a possible CBRNE incident, the Communications Call Taker will obtain specific information as to the type of incident to include but not limited to the location, plume, cloud, type of injuries, number of victims and other known hazards at the location. The Communications Supervisor will immediately notify the Patrol Watch Commander, as well as the fire department.
- A Basic Response Team consisting of two officers and a sergeant or Officer in Charge will be dispatched via the radio with a designated radio code established by Communications.
- If a suspicious substance or potential airborne disbursement may occur, the reporting party will be instructed to shut down air conditioning systems, fans, and any other means of mechanical apparatus that could propel or ingest the alleged substance.
- The reporting party will also be instructed (if possible) to isolate and close the area of contamination and move personnel to another room, building or facility. If the suspected biological agent is in a container located at a large venue such as Raley Field, the reporting party will be advised to keep the container isolated by evacuating those around it, without alarming attendees until public safety personnel can remove it to a secure area.

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- Communications shall direct the reporting party, witnesses, head Supervisor, guardian, or owner to meet the responding units and the fire Department outside the contaminated location.
- Upon arrival of the response team, the Sergeant or Officer in Charge will confirm that such incident occurred and verify the information given. If a confirmed CBRNE incident has occurred, Critical Incident Response notifications procedures will be followed.
- Communications will initiate an emergency response per dispatch protocol. This may include a Hazardous Materials Response Team, the Yolo County Bomb Squad, ALERT and other mutual aid resources as requested by the Incident Commander.
- The Sacramento FBI Command Center shall be notified immediately upon confirmation of a suspected CBRNE incident. The designated West Sacramento Police personnel assigned to the FBI Joint Terrorism Task force will coordinate the notification of the FBI. In the absence of a JTTF member, a department TLO or Bomb Squad member will coordinate the FBI notification.

(b) Patrol Division Responsibilities

- The initial response team members will gather as much information as possible concerning the threat. Any physical evidence will be isolated. Other evidence such as voicemail messages and written threats will be preserved.
- The on-scene supervisor will also provide the FBI with a cell phone number for immediate contact. The FBI Weapons of Mass Destruction (WMD) Coordinator or Joint Terrorism Task Force agent will confer with the on-scene supervisor in charge to assess the credibility of the threat. Although the FBI will have ultimate investigative jurisdiction over the incident and threat, the FBI will initially investigate the threat or incident jointly with WSPD. The on-scene supervisor will confer with the FBI throughout the on-scene investigation.
- A Unified Command Post for Police/Fire/FBI will be established.
- The Incident Commander will determine if ALERT, EOD or a Hazardous Materials Team should be notified.
- Units should verify that airflow-producing systems are turned off.
- If an evacuation is necessary, the term "evacuation" shall be avoided and the term "relocation" will be used. Officers should also avoid broadcasting the term "Anthrax" or any specific name of a suspected biological agent. Officers should refer to any alleged biological agent as "Hazmat".
- No first responder shall communicate with the media. The Incident Commander will coordinate press releases and media inquiries through the Press Information Officer as determined by the Incident Commander or Unified Command. Refer to West Sacramento Police Department Police 346 News Media Relations.

Mental Illness Commitments

418.1 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).

418.1.1 DEFINITIONS

Mental Disorder: Also referred to as a mental impairment, is a term used for a group of disorders causing severe disturbances in a person's thinking, feeling, and ability to relate to others. A person affected by a mental disorder usually has a substantially diminished capacity for coping with the ordinary demands of life. Symptoms can vary and every person who is affected by mental disorder is different. Often systems of mental disorders are cyclic, varying in severity from one time to the next. The duration of an episode also can vary: some persons are affected for a few weeks or months; while others, the disorder may last many years or a lifetime.

Thought Disorder: Condition where the person's thought process is disrupted causing that person to experience delusions or irrational fears, see visions, or a number of other irrational behaviors.

Mood Disorder: Also referred to as an affective disorder, is a condition where the person experiences periodic disturbances in mood, concentration, sleep, activity, appetite or social behavior. Mood disorders can be marked by periods of extreme sadness or excitement.

Hallucination: False perception experienced through any one of the five senses (.e.g., hearing voices, feeling one's skin crawl, smelling strange odors, seeing visions, etc.). When hallucinating, persons may be so overwhelmed that they have little or no awareness of the environment around them. Officers should be aware that substance abuse (drugs and/or alcohol) can also cause delusions, hallucinations, and violent mood swings in an individual.

Delusion: Persistent false belief or thoughts and actions that are not based on reality (e.g., delusions of grandeur, self importance, being persecuted or conspired against, etc.).

418.1.2 GUIDELINES FOR THE RECOGNITION OF PERSONS THAT MAY BE SUFFERING FROM A MENTAL ILLNESS

(a) **Verbal Cues:**

- Illogical thoughts expressing a combination of unrelated or abstract topics. Communicating thoughts of greatness, e.g., person believes he is God. Expressing thoughts of being harassed or threatened, e.g., CIA monitoring thoughts through TV set. Preoccupation with death, germs, guilt, etc.
- Unusual speech patterns that include nonsensical speech or chatter. Word repetition where the subject frequently states the same or rhyming words or phrases. Expressing urgency in manner of speaking or extremely slow speech.

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- Verbal hostility or excitement such as talking loudly or excitedly. The person is argumentative, belligerent or unreasonably hostile. The person threatens to harm themselves.
- (b) **Behavioral Cues:**
- The individual's clothing is inappropriate for the current weather, e.g., shorts in winter, heavy coat in summer, bizarre clothing or makeup, taking into account current trends.
 - Strange postures or mannerisms or lethargic, sluggish movements.
 - Seeing or hearing things that are not able to be confirmed. Confusion about or unawareness of surroundings.
 - Lack of emotional response or causing injury to self.
 - Overreacting to situations in an overly angry or frightening way.
- (c) **Environmental Cues:**
- The individual's surroundings are inappropriate such as strange trimming, inappropriate use of household items, e.g., aluminum foil covering windows.
 - Large accumulation of trash, hoarding string, newspapers, paper bags, clutter, etc. Presence of feces or urine on the floors or walls.

418.1.3 INTERACTING WITH PERSONS WITH MENTAL ILLNESS

- (a) Persons affected by mental illness can be unpredictable and sometimes be violent. Police officers should try to determine who or what it is that the person is angered with. This will show interest in helping and gives a better approach to dealing with the situation safely. Additionally, police officers should never compromise or jeopardize their own safety or the safety of others when dealing with individuals who display symptoms of a mental illness. However, many of these individuals are in a crisis and it may not be possible for them to make sound decisions about how to get help.
- (b) Not all persons affected by mental disorders are dangerous. While some may represent danger only when under certain circumstances or conditions, some may be capable of going from a state of calm to being extremely agitated very quickly. Officers should attempt to gain as much information about the subject and his individual triggers so that they can obtain the best overview of the situation and make an educated decision on how best to assist the person.
- (c) Ask the person if they are having a crisis. Most people that have a mental illness are very aware of their conditions and they know when they are having a crisis.
- (d) If you can talk to the person, then you can learn something about what is going on and why. The information you get during this time is critical to the officer's ability to write a

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thorough Welfare and Institutions Code Section 5150 hold or to be able to articulate why such a hold is not appropriate.

- (e) Ask the person what it is that they want and determine if their request is reasonable, safe and legal. Many times it is simple things that have gone wrong that put many of these persons into a crisis mode. Be honest about what you can or will do because false hopes or threats will not help to safely resolve the situation
- (f) There are a number of indicators that police officers may use to help determine if persons who appear to be affected by a mental disorder are dangerous to themselves or others:
 - o The availability of any weapons.
 - o Statements made by the person that suggest the individual is prepared to commit a violent or dangerous act.
 - o A personal history of prior violent acts under similar or related conditions. Information may come from a previous law enforcement contact or persons familiar with that person.
 - o Signs of violence at the scene prior to the officer arriving.
 - o The amount of self control the person is able to demonstrate. This can include signs of rage, anger, fright, or agitation. Signs of lack of control can include an inability to sit or stand still, wide eyes, rambling speech, etc.

418.2 POLICY

It is the policy of the West Sacramento Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

418.3 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

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418.3.1 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 officers 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.

418.4 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.

418.4.1 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 § 5150).

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 § 5150).

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418.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have Yolo Emergency Communications Agency 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.

418.6 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 a 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.

418.7 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 § 5150; 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.

418.7.1 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.
- (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.

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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).

418.8 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.

418.8.1 INTERVIEWS & INTERROGATIONS

Members will afford every individual investigated, interviewed, or interrogated their constitutional rights. An individual's constitutional rights are not diminished because of his/her mental illness.

When administering Miranda warnings, members should make every effort to determine the extent to which the person's illness, or the psychotropic medication that he or she is taking to treat the illness, impairs his/her ability to comprehend and give informed consent.

When members doubt a person's capacity to understand his/her rights, they will ask the person to explain each of the Miranda warnings in his/her own words and make a record of the person's explanations. If the member believes that the person does not have an understanding of his/her rights, questioning of the person related to the criminal investigation should cease.

418.9 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).

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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).

418.9.1 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 Bureau, 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.

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.

418.10 TRAINING

This agency will provide approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention. Initial training will be provided to sworn officers during the Field Training Officer Program and civilian employees, who have contact with the public, will attend Crisis Intervention Training. The Training Officer will ensure that all sworn personnel receive approved refresher training annually, and that the training is documented. Civilian employees who have direct contact with the public will also be required to complete refresher training annually. The civilian training may come in the form of attendance during sworn AOT Training or various other methods.

Cite and Release Policy

421.1 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.

421.2 POLICY

It is the policy of the West Sacramento 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.

421.3 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 person's 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 they deem necessary to ensure that the defendant understands their written promise to appear.

421.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting 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 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.

421.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

421.4 NON-RELEASE

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421.4.1 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 (Penal Code § 1270.1):

- (a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
- (b) Felony domestic battery (Penal Code § 273.5)
- (c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
- (d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
- (e) 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)
- (f) Stalking (Penal Code § 646.9)
- (g) 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)

421.4.2 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 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 they could be a danger to themselves 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 their own safety.
- (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) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
- (e) The person could not provide satisfactory evidence of personal identification.
 - 1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

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- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
 - 1. Previous failure to appear is on record
 - 2. The person lacks ties to the area, such as a residence, job, or family
 - 3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
- (j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
- (k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

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 Section.

421.5 MISDEMEANOR WARRANTS

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 themselves 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 their own safety.
- (g) The person has other ineligible charges pending against themselves.
- (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.

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- (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.

421.6 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 West Sacramento 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.

421.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. 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 the officer feels the situation should be documented more thoroughly in a case report.

Foreign Diplomatic and Consular Representatives

423.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the West Sacramento Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

423.2 POLICY

The West Sacramento 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.

423.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (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.

423.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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- (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.

423.5 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.

423.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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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
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:

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- (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.

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 (note (a))	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	(note (c))	Yes	(note (c))	Yes	(note (c))	No for official acts	Yes otherwise			

Rapid Response and Deployment

425.1 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.

425.2 POLICY

The West Sacramento 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 members of the Department in protecting themselves or others from death or serious injury.

425.3 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.
- (f) Whether planned tactics can be effectively deployed.

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- (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).

425.4 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.

425.5 PLANNING

The Uniformed Services Division 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.
- (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.

425.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

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- (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.
 - 1. This should include the POST terrorism incident training required 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).

425.6.1 POLICY AND TRAINING REVIEW

The Department will conduct an annual review of policy and training needs regarding active threats.

Immigration Violations

429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the West Sacramento Police Department relating to immigration and interacting with federal immigration officials.

429.1.1 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.

429.2 POLICY

It is the policy of the West Sacramento Police Department that all members 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.

429.3 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, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

429.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

429.4.1 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).

429.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

429.5 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).

429.5.1 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.
- (b) Transfer the person to jail.

429.6 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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429.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member 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.

429.7.1 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.

429.7.2 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 West Sacramento Police Department intends to comply with the request (Government Code § 7283.1).

If the West Sacramento 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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429.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the West Sacramento 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.

429.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members 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.

429.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Detective Bureau 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 Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section Policy).

429.8 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 Investigations Division Commander supervisor assigned to oversee the handling of any related case. The Investigations Division Commander 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.

429.8.1 HUMAN TRAFFICKING T VISA

Officers and their supervisors who are assigned to investigate a case of human trafficking shall immediately route the documents needed for a T visa application to the Professional Standards Unit, regardless of whether it is requested by the victim (Penal Code § 236.5).

429.8.2 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.

429.8.3 REPORTING TO LEGISLATURE

The Detective Bureau supervisor 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).

429.8.4 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).

429.9 TRAINING

The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

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Immigration Violations

- (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.).

Aircraft Accidents

434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members 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.

434.1.1 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.

434.2 POLICY

It is the policy of the West Sacramento Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 ARRIVAL AT SCENE

Officers or other authorized members 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).

434.4 INJURIES AND CASUALTIES

Members 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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Aircraft Accidents

434.5 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)

434.6 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) Coroner.
- (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.

434.7 DANGEROUS MATERIALS

Members 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.
- (c) Fluids, batteries, flares and igniters.

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- (d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION

All aircraft accidents occurring within the City of West Sacramento 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 WSPD members 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.

434.8.1 WRECKAGE

When reasonably safe, members 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.

434.8.2 WITNESSES

Members 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.

434.9 MEDIA RELATIONS

The Public 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 be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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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.

Field Training Officer Program

436.1 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 West Sacramento 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.

436.2 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.

436.2.1 SELECTION PROCESS

FTOs will be selected based on the following guidelines:

- (a) Desire to be an FTO
- (b) Four years of patrol experience desired, at least two of which shall be with the West Sacramento Police Department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current FTOs
- (f) Possess a POST Basic certificate

Any selections made that deviate from these guidelines shall be approved by the Chief of Police or his/her designee

436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer's Course prior to being 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.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Uniformed Services Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

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Field Training Officer Program

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)).

436.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the West Sacramento Police Department who has successfully completed a POST approved Basic Academy.

436.5 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.

436.5.1 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 West Sacramento 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 West Sacramento Police Department.

436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

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Field Training Officer Program

436.6.1 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.
- (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.

436.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 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.

436.6.4 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.

436.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

- (a) Daily Trainee Performance Evaluations
- (b) End-of-phase evaluations
- (c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

Obtaining Air Support

438.1 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.

438.2 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.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the patrol supervisor, Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The patrol supervisor, Watch Commander or his/ her designee will apprise that agency of the specific details of the incident prompting the request.

438.2.2 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.

Contacts and Temporary Detentions

440.1 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.

440.1.1 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.

440.2 POLICY

The West Sacramento 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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440.3 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 West Sacramento Police Department to strengthen community involvement, community awareness, and problem identification.

440.3.1 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

440.4 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.

440.5 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.

440.5.1 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 attempt to obtain recorded consent. This consent can be written, audio or video recorded.. Field photographs may also be obtained through the body worn camera and in-car camera recordings.

440.5.2 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.

440.5.3 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 Records Division. The Records Division will file the original photographs with the FI and forward a copy of criminal organization related FI's to the Special Investigations Unit Supervisor for review. The Special Investigations Unit Supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

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- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

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.

440.5.4 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.

440.6 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 members 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 West Sacramento Police Department members.
 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.

Criminal Organizations

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the West Sacramento Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

441.1.1 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.

441.2 POLICY

The West Sacramento 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.

441.3 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.

441.3.1 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 Section. Any supporting documentation for an entry shall be retained by the Records Section in accordance

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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 Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

441.3.2 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 (11 CCR 751.6).

It is the gang unit supervisor's responsibility 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 gang unit supervisor 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, the basis for that designation, and the name of the agency that made the designation. The Department 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 gang unit supervisor. 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'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 gang unit supervisor should forward reports or FIs to the Records Section after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Section supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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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).

441.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members 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.

441.4.1 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 Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Yolo Emergency Communications Agency 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.

441.4.2 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.

441.5 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.

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- (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.

441.6 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.

441.7 CRIMINAL STREET GANGS

The Special Investigations Unit supervisor 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.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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441.8 TRAINING

The Training Manager should provide training 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.

441.8.1 SHARED GANG DATABASE TRAINING

The Training Analyst should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

441.9 CRIMINAL STREET GANG EVALUATION AND VALIDATION

In addition to evaluating information on street gang individuals using the source reliability and content validity criteria stated in Policy 443, information on gang individuals will also be classified as appropriate using the following Validation guidelines.

- (a) Active Gang Member Validation Criteria Defined: A gang is a group of [3] or more persons who have a common identifying sign, symbol or name, and whose members individually (or collectively) engage in, or have engaged in, a pattern of criminal activity creating an atmosphere of fear and intimidation within the community. Gang member submission criteria is as follows:
 - 1) Individual admits membership to a gang
 - 2) When correspondence is found identifying a subject as a gang member. This is to included writings to or from identified gang members, writes and/ or receives correspondence about gang activities and other writings indicating a subject's gang affiliation
 - 3) Individual has been identified as a gang member by an identified gang member, reliable informant or source
 - 4) Individual has gang related tattoos
 - 5) Individual is contacted wearing gang related attire (Clothing/Colors) to identify with a specific gang
 - 6) Individual is contacted in the company of identified gang member(s)

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- 7) Individual is depicted in photograph(s) with known gang members
- 8) Individual is contacted in the field for gang related activity
- 9) Individual has been seen displaying gang hand signs or symbols in person or depicted in photos
- 10) Individual displays gang graffiti on personal belongings/ property
- 11) Individual has been identified to be involved in gang related crimes as defined in California Penal Code Chapter 186.20, the "Street Terrorism Enforcement and Prevention Act":

(b) Active Gang Member Validation Review:

- All gang documentation and intelligence information will be forwarded to the Special Investigations Unit (SIU) Sergeant. The SIU Sergeant will assign the information to an SIU member to check available databases such as criminal history, warrants, probation and parolee status, etc. for further information pertaining to the validation. A Crime/ Incident Report or Supplemental Investigation Report outlining the incidents, crimes, contacts and validation criteria will be prepared and submitted for approval. All evidence supporting Validation will be booked into evidence under the associated case number. The report outlining the criteria supporting validation will contain a brief synopsis of the incident, crime or contact along with the date and associated incident or crime report number. Each synopsis will be included under the section for criteria met or will indicate which criteria was met.
-
- A review team comprised of the SIU Sergeant, SIU member and a Lieutenant or the Deputy Chief will review reports recommending validation. Based on the review team's findings, the the subject will be classified as an Active Gang Member or not classified. Review and approval signatures will be completed at the conclusion of the report.
-
- When reviewing information for gang Validation, each suspected gang member will be evaluated to determine if they have met a minimum of three of the above listed criteria in addition to other supporting factors will be evaluated. These factors will include but are not limited to the frequency and severity of recent criminal history; parole/probation status; the number of times the person has been encountered in gang related situations and which of the criteria the person was engaged in when they were encountered. Validation as an Active Gang Member can be approved based on a series of incidents, crimes or contacts or an individual crime/ incident based on the facts, circumstances and or severity of the crime. A subject does not have to be classified as an Active Gang Member to be prosecuted for a criminal street gang crime.
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- Upon review of ALL factors supporting Validation, a subject will be classified as an "Active Gang Member" will not be classified. Each gang member Validation or update will be documented in a West Sacramento Police Department Incident Report for a previously existing case or with a new Incident Number and submitted to the Special Investigations Sergeant for review. Upon being reviewed and approved for Validation, the report will be filed with the Records Division.
 -
 - Those subjects who do not meet the above requirements.
- (c) Gang Intelligence Processing:
- All subjects approved for Active Gang Member Validation will be entered into the West Sacramento Police Department Records Management System as an Active Gang Member. An Active Gang Member Validation Tracking Form will be prepared for each classified gang member and retained by the SIU Sergeant. The report recommending Validation after being approved will be forwarded to the Records Division for filing. Any report containing confidential information will be marked "CONFIDENTIAL" and turned over to the records manager for storage.
 - If a person/ minor under the age of 18 years old is classified as an Active Gang Member, the parents or guardian of the person/ minor will be notified in writing of the Validation and provided with a STEP Act Form.
- (d) Active Gang Member Validation Maintenance:
- - The Active Gang Member Validation Tracking Form will be used for maintaining the current status of the Validation. The SIU Sergeant will review the tracking forms on a regular basis to ensure only those who have Active Gang Member status remain Validated.
 - If after five years there is no new documentation of gang and criminal activity, the Active Gang Member Validation shall be removed from the Records Management System and the tracking form purged pursuant to department and city policy.
- (e) Active Gang Member Validation Updates:
- Upon receiving new gang intelligence on a subject validation as an Active Gang Member, a Crime/ Incident Report or Supplemental Investigation Report outlining the incidents, crimes, contacts and validation criteria will be prepared and submitted for approval. Any associated documents or evidence supporting the Validation update will be booked into evidence under the associated case number.
 - Any updates will be logged on the Active Gang Member Validation Tracking Form.
- (f) Gang Documentation Release for Court Proceedings:

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- All Gang documentation will be release via the Records Division and in compliance with department policy as it pertains to the release of records.
- Gang documentation reports marked confidential will NOT be released without a subpoena and agreement with the SIU member, SIU Sergeant, Investigations Lieutenant, or Deputy Chief and the District Attorney.
- When the an SIU member is requested to provide details supporting active gang member Validation for a criminal proceeding, the SIU member will prepare a supplemental report for the referenced criminal case summarizing the subjects gang related contacts and reasons for Validation as an Active Gang Member.
- The supplemental report will be forwarded to the District Attorney through the standard report review and approval process. The supplemental report will include referenced case numbers with synopsis of crimes, incidents and contacts supporting Validation as an Active Gang Member and may give expert opinions and conclusion related to the investigation at hand.
- Confidential information pertaining to ongoing investigations and informant information will not be included without prior approval of the SIU member conducting the investigation and the SIU Sergeant.

Criminal Intelligence

443.1 PURPOSE AND SCOPE

The mission of the West Sacramento Police Department's Criminal Intelligence Program is to collect, analyze, and disseminate information that is limited to criminal conduct and activities of individuals, organized crime groups, emerging criminal groups, public disorder and terrorist groups that present a threat to the community, threats to public officials or private citizens, and officials involved in public corruption. This information will be provided to the Chief of Police for crime prevention and decision making purposes. The intelligence files maintained by the West Sacramento Police Department shall be in accordance with State and Federal regulations.

443.1.1 ORGANIZATION AND STAFFING

The staffing of the intelligence function is by the Special Investigations Unit under the supervision of the Special Investigations Sergeant and Investigations Division Commander.

443.1.2 ADMINISTRATION

The primary function of the Criminal Intelligence Program is to develop strategic intelligence assessments designed to:

- Identify and maintain intelligence information on criminal activity or crime patterns that are partially or wholly controlled by organized criminal factions.
- Identify and maintain information on individuals engaged in organized criminal activity affecting the city of West Sacramento.
- Provide and maintain a descriptive analysis of organized criminal enterprises that are capable of adversely affecting the safety, health, or well being of the citizens of the city of West Sacramento.
- Assess the capabilities or extent of influence organized criminal enterprises may have and provide alternatives to reduce or eliminate their effect.
- Provide a continuous self-assessment of the criminal intelligence function regarding its ability to effectively control organized criminal activity and recommend revisions, as needed.

The secondary function is to assist other elements of the department and other law enforcement agencies in furtherance of the control of organized criminal activity. The procedures for utilization of Special Investigations Unit (SIU) personnel and techniques include:

- Individuals making a request for assistance from the Special Investigations Unit will be done directly to the members of the SIU or the SIU Sergeant.
- The SIU members and the SIU Sergeant will evaluate the request to ensure it is a proper use of department resources. The Investigations Division Commander will resolve any question regarding the use of the intelligence resources.

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- The SIU member or SIU Sergeant shall then verify that the requestor has a "need to know and a right to know" the information that is being sought.
- Once the SIU member or SIU Sergeant has verified that the request is a valid use of intelligence resources and techniques, he/she shall determine how best to coordinate the gathering and dissemination of information.
- The SIU member or SIU Sergeant shall maintain a record, in either the intelligence database or the hard copy files, of each request for assistance and the outcome.

443.1.3 CRIMINAL INTELLIGENCE DEFINED

- A. A criminal intelligence file consists of stored information on the activities and associations of individuals who are:
1. Suspected of being, or having been, involved in the actual or attempted planning, organizing, financing, or commission of criminal acts or;
 2. Suspected of being, or of having been, involved in criminal activities with known or suspected crime figures.
- B. Organizations, businesses, and groups that are:
1. Suspected of being, or of having been, involved in the actual or attempted planning, organizing, financing, or commission of criminal acts or are
 2. Suspected of being or of having been, illegally operated, controlled, financed, or infiltrated by known or suspected crime figures.
 3. Suspected of being engaged in the sales, transportation and distribution of illegal narcotics.

443.1.4 FILE CONTENT

Only information meeting the file input criteria shall be stored in the criminal intelligence file. Information on an individual or group merely on the basis of race, ethnic background, religious affiliation, political affiliation, or sexual preference that does not relate to criminal conduct or suspect identification shall not be included in the intelligence file. Also excluded are associations with individuals, businesses, or groups that are not of a criminal nature and that do not relate to activities that present a threat to the community. Criminal history records (rap sheets) are excluded from the file, as well.

443.1.5 FILE CRITERIA

- A. **Permanent Status:** Information that relates to an individual, organization, business, or group suspected of being, or of having been, involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal activities:
1. Unlawful gambling

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2. Loan sharking
 3. Extortion
 4. Infiltration of legitimate business for illegitimate purposes
 5. Bribery
 6. Major crimes including: homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing stolen property, and arson
 7. Manufacture, use, or possession of explosive devices for purposes of fraud, intimidation, or political motivation
 8. Threats to public officials and private citizens
 9. Pimping and Pandering
 10. Prostitution
 11. Drug Trafficking
 12. Firearms Trafficking
- B. Crimes associated with criminal street gangs such as vandalism, assault and battery, and weapons violations.
- C. In addition to falling within the confines of one or more of the above criminal activities, the subject/entity to be given permanent status must be identifiable distinguished by a name and unique identifying characteristics (e.g., date of birth, criminal identification number, driver's license number, address). Identification at the time of file input is necessary to distinguish the subject/entity from existing file entries and those that may be entered at a later time.
- D. Information relating to crimes having unique modus operandi characteristics is given permanent status and input to files even though a subject is not identifiable.
- E. **Temporary Status:** Information that does not meet the criteria for permanent storage, but may be pertinent to an investigation involving one of the categories previously listed, should be given "temporary" status. The retention of temporary information should not exceed one year unless a compelling reason exists to extend this time period. An example of a compelling reason is if several pieces of information indicate a crime has been committed but more than a year is needed to identify a suspect. During this period, efforts should be made to identify the subject/entity or validate/update the information so that its final status may be determined. If the information is still classified temporary at the end of the one-year period, and a compelling reason for its retention is not evident, the information should be purged. An individual, organization, business, or group may be given temporary status in the following cases:

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- F. **Subject/Entity is Unidentifiable:** Subject/entity (although suspected of being engaged in criminal activities) has no known physical descriptors, identification numbers, or distinguishing characteristics available.
- G. **Involvement is Questionable:** Involvement in criminal activities is suspected by a subject/entity, which has either:
1. **Possible Criminal Associates:** Individual, organization, business, or group (not currently reported to be criminally active), associates with a known criminal, and is reasonably suspected of being involved in illegal activities.
 2. **History of Criminal Conduct:** Individual, organization, business, or group (not currently reported to be criminally active) that has a history of criminal conduct; and the circumstances currently being reported (i.e., new position or ownership of a business) indicates that they may again become criminally active.
 3. **Reliability/Validity Unknown:** The reliability of the information sources and/or the validity of the information cannot be determined at the time of receipt; however, the information appears to be significant and merits temporary storage while verification attempts are made.

443.1.6 CRIMINAL INTELLIGENCE PROCESS

Collection: Obtaining raw information from various sources.

Evaluation: Determining the reliability of the source and the validity of the information.

Collation: Indexing, cross-referencing, and filing of information.

Analysis: Trends, studies and case building.

Dissemination: Dispensing intelligence information.

Criminal Intelligence information will only be released to an individual who has demonstrated both a "right to know" and a "need to know."

- "Right to know" - requester has official capacity and statutory authority to the information being requested.
- "Need to know" - requested information is pertinent and necessary to the requester agency in initiating, furthering, or completing an investigation.
- Third party information - no "original document" that has been obtained from an outside agency is to be released to a third agency. Should such a request be received, the requesting agency should be referred to the submitting agency for further assistance.

443.1.7 INFORMATION EVALUATION

Information to be retained in the criminal intelligence file should be evaluated and designated for source reliability and content validity prior to filing.

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The bulk of the data the intelligence unit receives consists of unverified allegations or information. Evaluating the source and content of the information indicates to future users the worth and usefulness of the information. Circulating information, which may not have been evaluated, where the source reliability is poor or the content validity is doubtful is detrimental to this agency's operations and contrary to the individual's right to privacy.

To assure uniformity within the intelligence community, it is necessary that stored information be evaluated according to the criteria set forth below:

A. Source Reliability

1. **Reliable:** The reliability of the source is unquestioned or has been well tested in the past.
2. **Usually Reliable:** The reliability of the source can usually be relied upon as factual. The majority of the information provided in the past has proven to be reliable.
3. **Unreliable:** The reliability of the source has been sporadic in the past.
4. **Unknown:** The reliability of the source cannot be judged. Its authenticity or trustworthiness has not yet been determined by either experience or investigation.

B. Content Validity

1. **Confirmed:** an investigator or another independent, reliable source has corroborated the information.
2. **Probable:** The information is consistent with past accounts.
3. **Doubtful:** The information is inconsistent with past accounts.
4. **Cannot Be Judged:** The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation.

Procedures for ensuring information is related to criminal conduct and relates to activities that present a threat to the Community.

When information comes to the attention of an SIU detective or officer, he/she shall first verify its reliability and validity. This can be accomplished by evaluating the source of the information, as described above.

If the SIU detective or officer cannot be certain of the reliability and validity of the information, he/she may disregard it. However, if the Intelligence Officer wishes to utilize the information, he/she must take the necessary step to ensure that it meets the criteria set forth in this General Order. The officer should:

- Conduct an independent analysis of the information by reviewing the records database of the West Sacramento Police Department and other law enforcement agencies.

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- Interview police personnel, confidential reliable informants, and others who are known to be reliable and verifiable sources of information.
- Through personal observation.

443.1.8 CRIMINAL STREET GANG EVALUATION

443.1.9 INFORMATION CLASSIFICATION

In order to protect sources, investigations, and the individual's right to privacy, information retained in the Criminal Intelligence File will be classified as follows:

A. Sensitive -- Level I Dissemination Criteria:

1. Information pertaining to significant law enforcement cases currently under investigation.
2. Public corruption.
3. Informant identification information.
4. "Criminal Intelligence Reports" that require strict dissemination and release criteria.

B. Confidential -- Level II Dissemination Criteria:

1. "Criminal Intelligence Reports" not designated as sensitive.
2. Information obtained through intelligence unit channels that is not classified as sensitive and is for law enforcement use only.

C. Restricted -- Level III Dissemination Criteria:

1. Reports that at an earlier date were classified sensitive or confidential and the need for high-level security no longer exist.

D. Unclassified -- Level IV Dissemination Criteria:

1. Information to which, in its original form, the general public has/had direct access (i.e., birth and death certificates).

443.1.10 INFORMATION SOURCE

In all cases, source identification should be available in some form as the value of information stored in a criminal intelligence file is often directly related to that source. The true identity of the source should be used unless there is a need to protect the source.

Some factors to consider in determining whether source identification is warranted include:

- The nature of information reported
- The potential need to refer to the source's identity for further investigative or prosecutorial activity

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- The reliability of the source.

In those cases where identifying the source by name is not practical for security reasons, a code number should be used. The Uniformed Services Commander will retain a confidential listing of coded sources. As dictated by the individual case, in addition to identifying the source, a description as to how the source obtained the information may be needed (for example: "S-01, a reliable police informant heard" or "a reliable law enforcement source of the police department saw" a particular event at a particular time).

443.1.11 FILE DISSEMINATION

In order to protect the right to privacy of individuals contained in the criminal intelligence file, and to maintain the confidentiality of the sources and the file itself, dissemination guidelines will be followed.

The following terms have been applied to dissemination criteria for the intelligence files:

- "Need to Know" - requested information is pertinent and necessary to the requester agency in initiating, furthering or completing an investigation.
- "Right to Know" - requester agency has official capacity and statutory authority to the information being requested.

Dissemination criteria and release authority to be used at each security classification level are:

Level	Dissemination Criteria	Release Authority
I	Restricted to law enforcement personnel having a specific need to know and right to know	Chief or Office Commander
II	Restricted to law enforcement personnel having a specific need to know and right to know	Investigations Commander
III	Restricted to law enforcement personnel having a specific need to know and right to know	Intelligence Personnel
IV	Not Restricted	Intelligence Personnel

Any copies of documents released will be stamped to indicate the classification of the documents, the date of release, who the information was released to, and who released the information. Additionally, a notation will be placed in the file indicating release information.

Information in the criminal intelligence files classified I, II or III that was received from another law enforcement agency will not be disseminated without the specific authorization of the agency from which the information was obtained.

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443.1.12 FILE REVIEW AND PURGE

Information stored in the criminal intelligence file will periodically be reviewed for reclassification or purge in order to:

- Ensure that the file is current, accurate, and relevant to the needs and objectives of the unit
- Safeguard the individual's right to privacy
- Ensure that the security classification level remains appropriate.

Reviewing of the criminal intelligence file will be done on a continual basis as personnel use the material in carrying out day-to-day activities. Information that is no longer useful or cannot be validated will immediately be purged or reclassified where necessary.

443.1.13 PURGE CRITERIA

- A. General considerations for reviewing and purging of information stored in the criminal intelligence file are as follows:
 1. Utility
 2. How is the information used?
 3. For what purpose is the information being used?
 4. Who uses the information?
 5. Timeliness and Appropriateness
 6. Is this investigation still ongoing?
 7. Is the information relevant to the needs and the objectives of the unit?
 8. Is the information relevant to the purpose for which it was collected and stored?
- B. Accuracy and completeness:
 1. Is the information still valid?
 2. Is the information adequate for identification purposes?
 3. Can the validity of the data be determined through investigative techniques?
- C. Purge Schedule:
 1. In addition to the ongoing review and purge of the files, a complete review of the individual files will occur within five years of the date of contact supporting the initial entry into gang intelligence file. Information/documents not qualifying for retention will be removed and destroyed by shredding.

443.1.14 FILE SECURITY

The criminal intelligence file cabinet will be located within the Investigations Division, with file access restricted to authorized personnel. The file cabinet will be kept locked at all times when not under the direct control and observation of the SIU members, SIU Sergeant or Investigations Division Commander. The computerized file will be protected by electronic lockout, accessible

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only through the use of the private password by authorized personnel. Any hard-copy documents/files will be maintained in a secured file cabinet(s) within the Investigations Division. In order to ensure the safeguarding of intelligence information and the secure storage of intelligence records separate from all other records, the following procedures shall be followed.

- (a) The SIU members will evaluate information that is forwarded to his/her attention to determine if it meets the criteria set forth in this manual before it is included in the intelligence file.
- (b) Automated criminal intelligence files shall be maintained in a password protected computer database, which is accessible to only the SIU members or Sergeant and other authorized persons designated by the Chief of Police. The files shall not be accessible through the department's computer network, or from any other computer station.
- (c) Hard copy information that meets the criteria set forth in this policy and that is maintained by the members of the Special Investigations Unit shall be kept in a locked file cabinet, in the Investigations Division. Only the SIU members, SIU Sergeant, Investigations Division Commander and designated Officers shall have access to the information contained within the file cabinet.
- (d) If the SIU members or SIU Sergeant determines that the information meets the established criteria, only he/she is allowed to access the intelligence database and enter the information in the appropriate file, or create a new file.
- (e) In order to protect the intelligence files from unauthorized inquiries, designated personnel shall use a password known only to him/her to access the files. This password shall not be divulged to any other individuals, except the SIU Sergeant and the Investigations Division Commander. When the SIU members disseminate information from the intelligence files, he/she shall first verify that the person/agency receiving the information has a "need to know and a right to know" the information that is being divulged.
- (f) When there is a change in assignment of the Deputy Chief of Police, Officers, or the Sergeant assigned to the intelligence function, the password to the Intelligence database will be changed and made known only to the current Officers, Sergeant or Commander involved in the intelligence function. The lock(s) on the intelligence file cabinet(s) will be changed, and only the current approved personnel will have access.

443.2 ANNUAL REVIEW

At the conclusion of each year, the SIU Sergeant will conduct a documented review of Criminal Intelligence processes and procedures. This report will be provided to the Division Commander and the Chief of Police.

Watch Commanders

444.1 PURPOSE AND SCOPE

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 Lieutenant heads each watch.

A police sergeant serves in the capacity of the Watch Commander during those times that a police lieutenant is not physically present. In the event that neither a lieutenant or sergeant is physically present, the role of the Watch Commander is assumed by a senior lead officer acting in the capacity of the on-duty supervisor.

Mobile Audio/Video

446.1 PURPOSE AND SCOPE

The West Sacramento 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.

446.1.1 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 (ICC) 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.

446.2 POLICY

It is the policy of the West Sacramento 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.

446.3 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 West Sacramento 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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Mobile Audio/Video

446.4 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.

446.4.1 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 shall be activated in any of the following situations:

- (a) All field contacts involving actual or potential criminal conduct within video or audio range:
 - (a) Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance, enforcement of city ordinances and all crime interdiction stops)
 - (b) Priority responses
 - (c) Vehicle pursuits
 - (d) Suspicious vehicles
 - (e) Arrests
 - (f) Vehicle searches
 - (g) Physical or verbal confrontations or use of force
 - (h) Pedestrian checks
 - (i) DWI/DUI investigations including field sobriety tests
 - (j) Consensual encounters
 - (k) Crimes in progress
 - (l) Responding to an in-progress call
- (b) All self-initiated activity in which an officer would normally notify Yolo Emergency Communications Agency
- (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
 - 3. Offenses involving violence or weapons

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- (d) Any time and officer transports and individual in the furtherance of their official duties (custodial arrests, citizen assist etc.)
- (e) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (f) Any other circumstance where the officer believes that a recording of an incident would be appropriate

446.4.2 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.

Members 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).

446.4.3 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 member of this department may surreptitiously record a conversation of any other member 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.

446.4.4 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 Yolo Emergency Communications Agency.

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.

446.5 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 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.

446.6 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. Such documentation shall include the numeric file name assigned to the recording. 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 along with the numeric file name assigned to the recording.

446.7 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).

446.7.1 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.

446.7.2 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 West Sacramento Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

446.8 SYSTEM OPERATIONAL STANDARDS

- (a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

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- (b) The MAV system should be configured to minimally record for 30 seconds prior to an event.
- (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.

446.9 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.

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- (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.

446.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

Mobile Data Terminal Use

448.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data 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 Yolo Emergency Communications Agency.

448.1.1 MOBILE DATA COMPUTER SYSTEM

The Yolo County JPA Board adopted a policy regarding the use of mobile computer devices to be followed by all Yolo County Law Enforcement Consortium Agencies. Consortium Agencies include the West Sacramento Police Department, Davis Police Department, Winters Police Department and Woodland Police Department. The Consortium Agencies agree to use the Mobile Data Computer (MDC) System to:

- Provide specific, timely, and accurate dispatch information to officers in the field.
- Provide an efficient means of communication among patrol and Dispatch personnel relating to calls for service and tactical situations.
- Provide inquiry capability into local, State, and National databases.

448.2 PRIVACY EXPECTATION

Members 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).

448.3 POLICY

West Sacramento Police Department members 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.

448.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member 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 a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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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 member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members 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.

448.4.1 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.

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.

448.5 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 member shall document it via the MDT.

448.5.1 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.

Members 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.

448.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member 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 member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

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Members should ensure a field supervisor and the Watch Commander are 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.

448.6 EQUIPMENT CONSIDERATIONS

448.6.1 MALFUNCTIONING MDT

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Yolo Emergency Communications Agency. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

448.6.2 BOMB CALLS

When investigating reports of possible bombs, members 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.

Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members 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 West Sacramento Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.1.1 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.

Body Worn Camera (BWC) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of being worn on the body or uniform, and that includes at minimum, a camera, microphone, recorder and monitor.

Recorded Media - Audio-video signals recorded or digitally stored on a storage device or portable media.

450.2 POLICY

The West Sacramento Police Department may provide members 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 members of the Department and the public.

450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any 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. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member 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. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

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Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should 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 member shall record his/her name, WSPD 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 when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should 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 member deactivated the recording. Members should include the reason for deactivation.

450.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors should 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). For the purpose of this policy, "Critical Incidents" are defined but not limited to police interactions resulting in significant injury to an involved party; on-duty collisions; major uses of force; and any events that can be anticipated as leading to claims against the city.

Supervisors should review relevant recordings prior to submitting any reports. Supervisor reports include administrative reviews related to the initial handling of internal and external complaints, and force incidents or pursuits. Supervisors or any other member fielding calls, contacts, or communication regarding concerns or complaints shall record these incidents as a means of accurately capturing details from complainants.

Supervisors are responsible for monitoring the performance of members assigned to their watch. In addition to in-person monitoring of members in the performance of their duties, patrol supervisors shall also review a random sample of the BWC and/or MAV recordings of those assigned to their watch. Patrol supervisors should review two recordings per shift and document the recording identification number on the watchlog.

450.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which any portable recorder should be used, although there are many situations where its use is mandatory. Members shall activate the recorder any time the member believes it would be appropriate or valuable to record an incident. Members equipped with any portable recorders shall activate the portable recorder for **All** enforcement and investigative activities.

Examples of mandatory portable recorder activation include the following situations:

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- (a) All enforcement and investigative contacts including stops and field interview (FI) situations and parking enforcement
- (b) Traffic stops including, but not limited to, traffic violations, citations, enforcement of city ordinances, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Yolo Emergency Communications Agency
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
- (e) Transportation of prisoners and citizens

Once activated the officer shall continue to record until the completion of the event, or they have left the scene and are no longer involved in the event.

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy. Consideration may be given to discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Recording shall resume when privacy is no longer at issue. As with the cessation of recording prior to the end of a public contact, the officer should narrate the reason for stopping the recording prior to doing so.

Circumstances appropriate for non-activation

- Informal Community Interactions (Public Encounters) - Informal community interactions differ from the "consensual encounters" officers conduct in an effort to develop reasonable suspicion to detain or probable cause for arrest. To strengthen relationships between police and citizens, officers may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community. In the event an encounter becomes adversarial, officers should activate their portable recording device; without compromising their safety or the safety of others.

Circumstances appropriate for consideration of deactivation

- Victims and Witnesses of Crime - Officers should record interviews of crime victims and witnesses. It is recommended that officers advise victims and witnesses that they are being recorded, although they do not have the obligation to do so (Penal Code 633). When a victim or witness requests they not be recorded, officers may consider their request when deciding whether to continue recording or not. Officers may offer to avert their portable recording device to capture only audio during the interview when doing so would facilitate obtaining the victim's recorded statement. In cases where a victim or witness requests they not be recorded, and the officer agrees not to record, officers should record their request prior to deactivation. Minimally, the person should be told that a criminal case could be hampered by not recording the interview. When an officer is already recording, he/she shall record their explanation for deactivation prior to doing so. In the event a crime witness or a member of the community wishes to anonymously report or discuss criminal activity, officers have the discretion to not record.

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The portable recording device shall not be used in locker rooms, restrooms, or any other place where there would be a reasonable expectation of privacy unless in the course of a criminal investigation.

Activation of portable recording devices in a hospital setting is not discouraged, however the reasons why a member was present at the hospital setting or there as a course of business should be weighed against personal privacy rights of uninvolved parties. Portable recording devices shall be utilized if a statement is being taken or a situation at the hospital becomes confrontational.

At no time is a member expected to jeopardize their safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable. To avoid this issue, officers should make a practice of activating the portable recorder well before arrival on calls for service and ahead of subject contact in self-initiated activities.

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that their 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.

Other than at the conclusion of the contact or investigation, personnel may deactivate in places where there is a reasonable expectation of privacy. Instances where personnel may deactivate include:

(a) While in a police facility unless presence in the facility is part of a continuing involvement in an incident or investigation that continues to involve direct contact with the public.

(b) During any incident that the Officer believes the BWC should be deactivated, either temporarily or for the entire event, based on articulable reasons (i.e., sensitive intelligence gathering, when discussing sensitive tactical or confidential law enforcement information, other investigative purposes).

In all cases, while in recording mode, the officer should explain the reason for deactivating their portable recording device verbally. This information should also be written into the crime report.

Members 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).

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450.5.3 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 should not be used where an explosive device may be present.

450.5.4 TEMPORARY MUTING OF PORTABLE RECORDING DEVICE

Officers shall not engage the mute feature on their recording device during a public encounter or assigned calls for service, except for the following reasons.

Officers may mute during:

- (a) Conversations that involve police and/or case tactics or strategy;
- (b) Personal emergency matters of a sensitive nature (i.e. family emergency, medical emergency, catastrophic event);
- (c) Encounters with undercover officer or confidential informants.

In all cases, while in recording mode, the officer should explain the reason for muting their portable recording device verbally. This information should also be documented appropriately.

450.6 PROHIBITED USE OF PORTABLE RECORDERS

Members 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.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

450.6.1 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).

450.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

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A member should transfer, tag or mark recordings when the member reasonably believes:

- (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 a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

450.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should 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 member 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.

All recordings should 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 should not be publicly released unless disclosure is required by law or order of the court.

450.8.1 USE OF RECORDED MEDIA FOR TRAINING PURPOSES

Recorded files may be used or shown for the purposes of training. If a recording is deemed to have training value a consent form will be submitted to the involved officer requesting his/her permission

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to use the recording during training. The officer has the right to grant or deny permission on the form.

If any employee objects to the showing of a recording, their objection submitted to the Chief of Police or his/her designee to determine if the training value outweighs the employee's objection.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassment of any employee.

450.9 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member 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.

450.9.1 CRITICAL INCIDENTS

The Department acknowledges that video recordings taken during critical incidents do not necessarily reflect the full extent of the nature of the event; or the experience, analysis, training, threat assessment, or state of mind of the individual officer(s) in a given incident. Moreover, recordings, especially video, have limitations and may depict events differently than as honestly recalled by the involved officer(s). Specifically, it is understood that recording devices may capture information that may not have been heard or observed by the involved officer(s) and that the officer(s) may see and hear things not captured by recording devices.

Officers involved in critical incidents should notify the responding supervisor of any related recordings. In the event a critical incident is recorded and immediate retrieval is required, a supervisor shall secure the recording device as soon as possible and maintain the chain of custody. The supervisor or manager charged with coordinating the criminal investigation of the case shall coordinate the download or electronic transfer of the file, minimizing those involved with the chain of custody.

Officers, either as subjects or witness, who are involved in any critical incident, or collision causing injuries, shall be permitted to review recordings prior to providing a statement or written report.

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In such cases where the involved officer(s) will view a video recording of the incident, they shall be provided the following admonishment:

- *" In this case, there is video evidence that you will have an opportunity to view before you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are two dimensional medium and may not capture depth, distance, or positional orientation as well as the human eye. Remember, video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident."*

450.10 RETENTION OF RECORDINGS

Recordings of the following should 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 West Sacramento Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should 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 should be retained permanently (Penal Code § 832.18).

450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the City policy regarding Retention and Release of Police Audio/Video Recordings and with Records Maintenance and Release Policy.

450.10.2 MEDIA STORAGE AND SECURITY

Portable police recordings shall be stored, retained, and backed up on department servers where they are accessible for review and use under strict guidelines pursuant to this policy, the City policy regarding Retention and Release of Police Audio/Video Recordings, and the Records Maintenance and Release policy. Access recordings is automatically logged and can be audited. Once the police recordings are completed, Officers are unable to manipulate or destroy video footage.

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450.11 TRAINING

Officers and Supervisors must complete an agency-approved training to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance and to incorporate changes, updates or other revisions in policy or equipment.

Training for Portable police recordings may be provided during AOT, EVOC, Range, Training Bulletins, Written Directives, and Roll-Call Training.

The Training Officer within the Uniformed Services Division will set training guidelines and administer the recommendations of the Agency Training Committee.

Medical Marijuana

452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

452.1.1 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 California Department of Public Health 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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452.2 POLICY

It is the policy of the West Sacramento 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 West Sacramento Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

452.3 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.

452.3.1 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.

452.3.2 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.

452.3.3 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).

452.3.4 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 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.

452.3.5 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).
- (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.

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- (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).

452.3.6 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).

452.4 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.

452.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should 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 and Evidence Section supervisor 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 and Evidence Section supervisor 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 and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Detective Bureau supervisor.

Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE

The West Sacramento 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.

454.2 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 Bicycle Patrol Unit supervisor or the Watch Commander.

454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. 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.

454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Uniformed Services Division Commander 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 the Uniformed Services Division.

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- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

454.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice 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 will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

454.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol 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 the necessary forms, citation books and other department equipment needed while on bicycle patrol.

454.6 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.

454.7 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.

Foot Pursuits

458.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

458.2 DECISION TO PURSUE

The safety of department members 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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458.3 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 suspect 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.

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458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 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.

458.4.2 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.

458.4.3 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 not 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.

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The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

458.4.4 YOLO EMERGENCY COMMUNICATIONS AGENCY 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.

458.5 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.

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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.

458.6 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.

Homeless Persons

464.1 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 West Sacramento Police Department recognizes that members of the homeless community are often in need of special protection and services. The West Sacramento 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.

464.1.1 POLICY

It is the policy of the West Sacramento 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 members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the 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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464.3 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.

464.3.1 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 Senior and Disability Victimization 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.

464.4 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 supervisor should be consulted. The property should be photographed and measures should be

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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 Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the 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 inform the department Homeless Liaison 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 Homeless Liaison Officer to address the matter in a timely fashion.

464.5 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.

464.6 ECOLOGICAL ISSUES

Sometimes illegal campsites 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.

464.7 ENFORCEMENT OF ILLEGAL CAMPING ORDINANCE

When requested to contact or when "On viewing" a Homeless or Transient individual, Officers are requested to begin with a services first approach which connects individuals with available services within Yolo County. In lieu of arrest for illegal camping, officers are requested to:

Whenever possible, excluding situations that require more immediate attention, officers shall complete an "FI" of subjects in camps along with photos which will then be forwarded to CSU for follow-up regarding the illegal encampment. Officers are encouraged to address other common crimes within the camp such as drug violations/warrants/occupants under the influence.

When an arrest has been made for a violation other than "illegal camping" and the officer believes the camping charge is appropriate, the officer shall forward that information to the Community Services Unit. Upon review the CSU will determine if the charge for illegal camping is appropriate

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and forward that information to the District Attorney for the additional charges. The following steps should be taken to assist with prosecution:

- Officers should take several overall photos of the camp, and close-up of areas indicating intended prolonged camp use (i.e. tents, cooking equipment, etc.). Also, they should document sanitation issues with the camp (i.e. trash, human waste, needles, etc.). These observations should be documented within the report.
- Officers should ask camp occupants if they have previously been offered services, offer service linkage via the homeless manager and document their refusal.
- Officers must try to determine the length of time the occupants have been camping at the given location (either by statements or prior officer knowledge). Also, officers should document the occupants' refusal to vacate a camp when directed to do so.
- Officers should document the demeanor of the occupant's refusal to stop violation of the camping ordinance (i.e. uncooperative, threatening, etc.).
- Supervisors will be provided with updated training/information regarding changes to the requirements for these arrests and will review arrest reports to ensure that the requirements are met.
- All requests for illegal camping violation review will be forwarded to CSU for follow-up (similar to an investigative follow up).
- CSU will be in direct communication with the assigned DA to determine what additional follow-up is needed.
- CSU will document any prior contacts with the subject and outline the need for enforcement:

Number of warnings given

Proximity to prior camps of the subjects

Services offered/services refused/services accepted

CSU will work with the DA to provide "expert testimony" during court proceedings to increase the likelihood of successful prosecution.

Prior to any arrest or citation for a camping violation alone, the arresting officer must first determine if a shelter bed is available at a designated Yolo County shelter. If a shelter bed is available, the officer must first offer this option in lieu of arrest or citation. If a shelter bed is available and the subject refuses, the subject will be arrested or issued a citation. If no shelter bed is available, a citation or arrest shall not be made, and the information and documentation will be forwarded to CSU.

Shotgun and Explosive Breaching

465.1 PURPOSE AND SCOPE

The purpose of this order is to establish guidelines for the use of shotgun breaching rounds and explosive breaching devices. It shall be the policy of the West Sacramento Police Department to use shotgun and explosive breaching as directed and when necessary to increase the safety of the public and officers.

465.2 DEFINITIONS

- (a) **SHOTGUN BREACHING ROUND** - A special munition designed to be fired by a 12 gauge shotgun for the purpose of disabling door locking mechanisms and hinges.
- (b) **EXPLOSIVE BREACHING DEVICE** - Explosive materials designed for the purpose of creating an opening through a door, wall, or other barrier.
- (c) **SWAT BREACHER** - A member of SWAT trained in the selection, placement, and use of shotgun breaching rounds and other specialized means of entry.
- (d) **EXPLOSIVE BREACHER** - A Bomb Technician trained in the construction, placement, and initiation of explosive breaching devices, the use of shotgun breaching rounds and other specialized means of entry.

465.3 DEPLOYMENT

a. Shotgun and explosive breaching shall only be used:

- 1. In hostage and/or barricaded subject situations.
 - 2. In active shooter or other extraordinary critical incidents.
 - 3. In "high-risk" warrant (search/arrest) services at fortified locations where there may be an extreme hazard to officers, with the prior approval of the Incident Commander, SWAT Commander or designee.
 - 4. In civil disasters to effect the rescue of trapped victims.
 - 5. As a distraction technique during tactical entries.
- b. The decision to use explosive breaching shall be made by the SWAT Commander or designee, with concurrence from the incident commander (IC).
- c. Scouting and analysis of the barrier to be breached shall be conducted by the breacher and the SWAT sergeant.
- d. Recommendation of the breaching technique to be employed shall be the responsibility of the SWAT sergeant after consultation of the breacher. The SWAT sergeant shall consider:
- 1. The construction of the doors and walls of the structure.
 - 2. The location of occupants within the structure.

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3. The presence of incendiary materials, unstable chemicals, or explosives within the structure.
- d. Placement and initiation of the selected breaching technique shall be performed by the breacher upon direction from the SWAT sergeant.
- e. The explosive breaching device will be initiated by the breacher upon direction from the SWAT sergeant.
- f. In the event of extraordinary circumstances (active shooter, urgent life threatening situation etc.) when a SWAT Commander is not present, a trained SWAT Breacher or Explosive Breacher may utilize their breaching tool upon authorization of a Watch Commander or Incident Commander.

465.3.1 SAFETY PROCEDURES

- (a) All officers in the immediate proximity of breaching operations shall wear protective equipment (e.g. eye/hand protection, body armor).
- (b) Prior to breaching, consideration should be given to providing advance notification to perimeter officers.

465.4 REPORTING

- a. Property damage as a result of breaching shall be documented in the Incident After Action Report and or the Yolo County Bomb Squad Explosive Incident Report. Additionally, an Explosive Breaching report will prepared by the Explosive Breacher for all explosive breaches.
- b. The use of shotgun breaching as an entry tool will not constitute a discharge of a firearm. The requirements of GO 304 (Shooting Policy) shall not apply when the shotgun is used for breaching.

465.5 TRAINING

- a. All SWAT Breachers and Explosive Breachers will complete a training course related to their specialized techniques prior to operationally performing in that capacity.
- b. All Breachers shall review breaching procedures yearly.
- c. All SWAT Breachers and Explosive Breachers will train using shotgun breaching biannually.
- d. All Explosive Breachers will train using explosive breaching biannually.

Public Recording of Law Enforcement Activity

466.1 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 members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

466.2 POLICY

The West Sacramento Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members 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.

466.3 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.

466.4 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.

466.5 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.

466.6 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.

Crisis Intervention Incidents

467.1 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.

467.1.1 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.

467.2 POLICY

The West Sacramento 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.

467.3 SIGNS

Members 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

Members 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.

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467.4 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.

467.5 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 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.
- (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.

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467.6 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 members 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.

467.7 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.

467.8 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.

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- (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.

467.9 INCIDENT REPORTING

Members 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.

Members 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.

467.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

467.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS

Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

467.11 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

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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.

467.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members 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).

Civil Disputes

468.1 PURPOSE AND SCOPE

This policy provides members of the West Sacramento 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.

468.2 POLICY

The West Sacramento 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, members 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, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members 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) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members 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.

468.4 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

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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.

468.4.1 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 member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members 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 member will not allow entry into the location or the removal of property from the location.

468.5 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.

468.6 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.

First Amendment Assemblies

469.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

469.2 POLICY

The West Sacramento 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.

469.3 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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469.3.1 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.

469.4 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 Yolo Emergency Communications Agency, 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.

469.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

469.5.1 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).

469.5.2 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:

- (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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- (t) Parameters for the use of body-worn cameras and other portable recording devices.

469.5.3 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 Outside Agency Assistance Policy).

469.6 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.

469.7 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® devices 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 a member 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.

469.8 ARRESTS

The West Sacramento 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).

469.9 MEDIA RELATIONS

The Public Information Officer 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).

469.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

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469.10 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.

469.11 POST EVENT

The Incident Commander should designate a member 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, Yolo Emergency Communications Agency records/tapes
- (g) Media accounts (print and broadcast media)

469.11.1 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.

469.12 TRAINING

Department members 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.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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469.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

- (a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
- (b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
- (c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
- (d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
- (e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
- (f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
- (g) An objectively reasonable effort has been made to extract individuals in distress.
- (h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
- (i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
- (j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
 - 1. A violation of an imposed curfew.
 - 2. A verbal threat.
 - 3. Noncompliance with a law enforcement directive.
- (k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

469.13.1 USE SUMMARY

The Uniformed Services Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control

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purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

469.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

Medical Aid and Response

470.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

470.2 POLICY

It is the policy of the West Sacramento Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

470.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Appropriate medical aid shall be rendered as quickly as reasonable possible following any law enforcement action (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with an officer's training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Yolo Emergency Communications Agency and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Yolo Emergency Communications Agency with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
 1. Signs and symptoms as observed by the member.
 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.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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470.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members 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.

Members should not provide emergency escort for medical transport or civilian vehicles.

470.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS 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 EMS 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.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

470.6 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.

470.7 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 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 EMS response.

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The Uniformed Services Division 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 member 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. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members 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.

470.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member 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).

470.8.1 AED USER RESPONSIBILITY

Members 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 the Training Manager who is responsible for ensuring appropriate maintenance.

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.

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Any member who uses an AED should contact Yolo Emergency Communications Agency as soon as possible and request response by EMS.

470.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

470.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager 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).

470.9 ADMINISTRATION OD OPIOID OVERDOSE MEDICATION

Members may administer opioid medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019).

- (a) When trained and tested to demonstrate competence following initial instruction.
- (b) When authorized by the medical director of the Local Emergency Services Agency (LEMSA).
- (c) In accordance with California Peace Officer Standards and Training (POST) standards.

470.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members 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 designated supervisor.

Any member who administers an opioid overdose medication should contact Yolo Emergency Communications Agency as soon as possible to request response by EMS.

470.9.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication should detail its use in an appropriate report.

The designated supervisor will ensure that the Records Unit is provided with enough information to meet applicable state reporting requirements.

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470.9.3 OPIOID OVERDOSE MEDICATION TRAINING

The designated supervisor should ensure training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

470.10 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 EMS 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.

470.11 FIRST AID TRAINING

The Training Manager 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).

Suspicious Activity Reporting

471.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

471.1.1 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 a member 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.

471.2 POLICY

The West Sacramento 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.

471.3 RESPONSIBILITIES

The Investigation 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 Investigation Division Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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- (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 members 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 members 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).

471.4 REPORTING AND INVESTIGATION

Any department member 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 non-sworn member 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 member 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.

471.5 HANDLING INFORMATION

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Detective Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

Automated License Plate Readers (ALPRs)

472.1 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.

472.2 POLICY

The policy of the West Sacramento 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.

472.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the West Sacramento 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 Administration Division Commander. The Administration Division Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

472.3.1 ALPR ADMINISTRATOR

The Administration Division Commander 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.

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- (g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

472.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members 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.
- (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 member 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.

472.5 DATA COLLECTION AND RETENTION

The Administration Division Commander 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.

472.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The West Sacramento 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):

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- (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.
- (c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

472.7 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 Administration 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).

472.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

Small Unmanned Aircraft System (sUAS)

473.1 PURPOSE

The following procedures are intended to promote the safe, efficient and lawful operation of the West Sacramento Police Department (WSPD) small Unmanned Aircraft System (sUAS). Safety, above all else, is the primary concern in each and every operation, regardless of the nature of the mission.

473.2 POLICY

It shall be the mission of those personnel of the WSPD who are trained in the use of the sUAS to use this resource to protect the lives and property of citizens and first responders in full compliance with applicable laws and regulations, including but not limited to applicable State and Federal Constitution and Federal Aviation Administration (FAA) regulations. The use of a sUAS can support first responders in situations which would benefit from an aerial perspective and enable responders to detect dangers that could otherwise not be seen. The sUAS can also be utilized for approved training missions.

473.3 OVERVIEW

The FAA Modernization and Reform Act of 2012 provides for the integration of civil unmanned aircraft systems into national airspace by September 1, 2015.

473.4 DEFINITION

A. **Small Unmanned Aircraft System (sUAS):** Consists of the small unmanned aircraft weighing under 55 lbs., the command system, a secure control link, and other related safety support equipment.

B. **Unmanned Aircraft (UA):** An aircraft that is intended to navigate in the air without an on-board pilot.

C. **UA Flight Crewmember:** A pilot, visual observer, or other persons assigned duties for a sUAS for the purpose of flight.

D. **Remote Pilot in Command:** A person exercising control over unmanned aircraft during flight. The pilot will be ultimately responsible for the operation and solely responsible for the input of commands/piloting during flight. The pilot will be trained in and demonstrate proficiency in the operation of the sUAS. The pilot must meet standards set forth in the COA or possess a valid Remote Pilots License as defined in Part 107 of the FAA guidelines. Pilots are authorized to evaluate and accept or decline any mission or portion thereof due to safety concerns.

E. **Certificate of Authorization:** COA (Certificate of Authorization) given by the FAA which grants permission to fly within specific boundaries and perimeters. The WSPD will maintain current COA's consistent with FAA regulations.

F. **Visual Observer:** The visual observer is responsible for the visual observation of the sUAS while inflight. The visual observer will maintain a visual observation of the sUAS while in flight

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and alert the pilot of any conditions (obstructions, terrain, structures, air traffic, weather, etc.) which affect the safety of flight. The visual observer will be responsible for all aviation related communications required by the FAA. To accomplish this, at least one visual observer will be in close proximity to the Remote Pilot in Command to ensure instant relaying of information. The visual observer should be a sUAS pilot or have been provided instruction in the function of a visual observer.

473.5 ORDER

WSPD will obtain all applicable COA's and or Part 107 Waivers from the FAA in order to conduct operational or training missions. Requests for deployment of the sUAS will be made through the sUAS Supervisor or designee. The Watch Commander, Investigations Commander, SWAT Commander, Traffic Commander, EOD Commander, or EOD Supervisor can request a sUAS deployment.

In the absence of those management personnel or when extenuating circumstances exist, the on-duty Patrol Sergeant or Investigations Sergeant can request a sUAS deployment. Requests for a sUAS deployment should be made to the sUAS Supervisor. The requesting person shall contact the sUAS Supervisor with the available information regarding the request. The sUAS Supervisor will gather the information pertaining to the request. The sUAS Supervisor will contact the sUAS pilot and notify him/her of the mission. The pilot will determine if the sUAS can be deployed safely and practically.

An sUAS Pilot working in the field can be authorized to deploy an sUAS for appropriate in progress calls and for approved missions listed below with the authorization of the Patrol Sergeant or Watch Commander. The sUAS Supervisor or the sUAS Commander will be notified of the deployment as soon as practical. If the request comes from an outside public safety agency the request will be directed to Dispatch at (916) 372-3375 and directed to the Watch Commander for approval.

1. When the sUAS is being flown, operators will take steps to ensure the camera is focused on the areas necessary to the mission and to minimize the inadvertent collection of data about uninvolved persons or places.
2. WSPD will maintain a website for public input to address citizens' concerns, recommendations and provide access to the WSPD sUAS police and flight log information consisting of the date, area of flight and synopsis.
3. The use of the sUAS will be limited to the authorized missions described herein.
4. The sUAS will not be equipped with any weapons.
5. The authorized missions for the WSPD sUAS are:
 - a. Explosive Ordnance Disposal (EOD)/ Bomb Squad missions
 - b. Post-incident crime scene and traffic collision investigation preservation and documentation
 - c. Response to hazardous materials incidents

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- d. Search and Rescue (SAR) missions as defined in California Government Code Section 26614
- e. Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, perimeter searches for wanted persons, arrest/ bench warrant service and high-risk search warrant service.
- f. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation
- g. Training missions as authorized by the Training Certificate of Authorization or conducted in compliance with Part 107.
- h. In response to specific requests from local, state or federal fire authorities for fire response and prevention
- i. Special Events which require the protection of the public and or dignitaries.
- j. When there is probable cause to believe that
 - (1) the sUAS will record images of a place, thing, condition, or event; and
 - (2) that those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the sUAS does not infringe upon the reasonable expectation of privacy
- k. Pursuant to a search warrant
 - l. The assessment of public health and environmental related issues in public areas which due to their geographical location, pose an operational or safety challenge to assess.
 - m. For departmental and city public relations, outreach and recruiting activities. These missions will be conducted under Part 107.

6. Annually, all procedures, laws and regulations on sUAS usage, shall be reviewed as follows: The Office of Operations Deputy Chief, WSPD sUAS Commander, WSPD sUAS Supervisor, and others as designated by the Chief of Police shall meet quarterly on the use of the sUAS to include an audit review, flight documentation review and provide an annual report to the Chief of Police.

473.6 PROCEDURES

1. A sUAS operation requires a Certificate of Authorization (COA) from the FAA or the Remote Pilot in Command must possess a valid Remote Pilots License as defined by Part 107 under FAA guidelines.
2. A sUAS will only be operated by personnel who have been trained and demonstrate proficiency in the operation of the system. All agency personnel with sUAS responsibilities, including command officers, will be provided training in the policies and procedures governing sUAS use.

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Small Unmanned Aircraft System (sUAS)

3. The WSPD sUAS and all related equipment will be available and issued by the sUAS Supervisor.
5. Agency owned sUAS's will be the primary aircraft used by the agency. When not available, out of service for mechanical reasons or agency aircraft does not meet the needs of the mission, non-agency aircraft may be used. Upon approval of the Chief of Police or his/her designee, non-WSPD owned sUAS' s can be utilized for training and operational purposes if the aircraft is approved for training and operational use by the sUAS Supervisor and comply with the WSPD Airworthiness Certificate.
5. All flights will be documented in electronic flight records and shall include reason for the flight, type of mission as specified above and name of the command staff member and/or supervisor approving the operation.
6. Prior to each sUAS flight the Remote Pilot in Command shall determine if the flight will be in controlled or restricted airspace. If so, the Remote Pilot in Command shall ensure appropriate approval is obtained prior to the flight.
7. The administration, safety policy, training requirements, general operating procedures and pre/post flight actions are contained within the WSPD sUAS Operations Manual.

473.7 DATA RETENTION AND PROCESSING

Upon completion of each sUAS mission the recorded data shall be reviewed and evaluated for evidentiary value. Data of identifiable individuals captured during a sUAS mission shall not be retained unless there is reasonable suspicion that evidence of criminal activity is present. All retained data shall be maintained or destroyed pursuant to department records retention and evidence policies and in compliance with applicable laws and regulations. Pursuant to Government Code section 6254 California Public Records Act-) all sUAS data is considered a "law enforcement investigatory file" and is exempt from disclosure under the CPRA.

473.8 PROTECTION OF RIGHTS AND PRIVACY CONCERNS

sUAS Commanders, operators and observers will consider the protection of individual civil rights and the reasonable expectation of privacy as a key component of any decision made to deploy the sUAS. Each sUAS operator and observer will ensure that operations of the sUAS are consistent with local, state, and federal law.

Vulnerable Individuals Technology Assisted Location Services (VITALS)

474.1 PURPOSE

Vulnerable Individuals Technology Assisted Location Service - or “VITALS” is an App-based personal information service that allows officers to access personal information provided by individual subscribers to help inform officer response during an incident involving the subscriber.

VITALS uses a transmitter and a mobile App to help individuals with an invisible disability voluntarily disclose their diagnosis to officers up to an 80-foot radius who have installed the App on a smart phone. Information from participating individuals is used to create a profile that features a photo of the individual and other details including name, diagnosis, anxiety triggers, preferred ways to be approached, and preferred de-escalation tactics. There is also an option for caregivers of the person to download a short video of them speaking to the individual, thereby creating a real time message to the vulnerable person. This information allows officers to be better informed about how to interact with the individual.

474.2 POLICY

Safety should always remain paramount to officers when engaged in police action. VITALS alerts are not intended to hamper safety and should be viewed only on calls or during situations which allow the officer time to read alerts without compromising safety. When it is safe, Officers can open the alert and review the information.

The App profile will be provided to officers who have downloaded the App to a compatible device. Officers will ensure the App is in the On-Duty mode prior to the beginning of their shift. Officers should also make sure that all locations services, Bluetooth and cellular are turned ON. Officers shall turn the app mode to off duty when they are not working their regular assigned shift.

474.3 DEFINITION

VITALS data is information accessed through the App. Any accessed information that is relevant to an incident should be documented in the responding officer’s incident report. All information is personal and should only be accessed and used for law enforcement purposes only. Once the officer is out of the 80 foot radius of the vulnerable person carrying a Vitals™ beacon, the information will not be accessible on the app. Officers shall not take a screen shot of the individuals’ personal information to access at a later time. Officers should instead, access this information through the “Historical” button found on the APP’s main page. This history will be accessible for 12 hours if the officer opens the person’s information only. All other beacon hits will not be saved.

474.4 USE OF THE VITALS APP

VITALS is an informational tool for officers to better inform encounters with vulnerable individuals. Officers may download the Vitals App and access the App and provided information according to Department training. Officers should open up the app to view the alert ONLY when it is safe to do so. Officers are also encouraged to view the app when notifications are made, even when

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Vulnerable Individuals Technology Assisted Location Services (VITALS)

officers are not on a call for situational awareness and to have positive engagement with vulnerable individuals.

Federal Task Force Participation

475.1 PURPOSE

The purpose of this policy is to identify the rules and regulations that members of the West Sacramento Police Department should adhere to during their participation on federal task forces and similar special assignments with federal law enforcement agencies.

475.2 FEDERAL JOINT TASK FORCES

Joint Task Forces are locally based multi-agency partnerships between various federal, state and local law enforcement agencies. There are multiple federally authorized joint task forces, each with a unique mission and governing laws. This department may approve an officer's or officers' participation in federal task force, provided that the City of West Sacramento has executed the applicable agreements necessary for participation. This participation of the department and the individual officers in or on a federal task force is intended to enhance the safety and welfare of the public.

475.3 TASK FORCE OFFICER RESPONSIBILITIES

Police officers assigned, Task Force Officers (TFO), to the task force or who are selected for similar federal assignments, will be subject to multiple agency-specific regulations that prescribe officer conduct, required field protocols and record keeping processes.

TFOs, whether or not they are deputized as an agent of the federal government, may not violate state or local law during the course of their participation in a federal task force or similar assignment.

TFOs are subject to federal law as set forth in the governing agreement(s) by and between this city and the relevant federal agency during the course of their participation on their respective federal task force or similar assignment for which the TFO is under the supervision of a federal law enforcement agent.

475.4 DEPARTMENT COORDINATION

The department must provide and maintain no less than two central points of contact ("POC") for federal task force matters, regardless of what federal agency the department is partnering with.

475.5 AGENCY AGREEMENTS

TFOs will receive a copy and acknowledge any agreement(s) executed by this city and the relevant federal agency that governs the TFOs participation in the task force or other special assignment for which the TFO is under the supervision of a federal law enforcement agent.

Where the governing agreement(s) between this city and the relevant federal agency is silent on a matter and the same matter is addressed by this policy or another department policy, the department policy will govern.

Where the governing agreement(s) between this city and the relevant federal agency and this policy conflict on the same subject matter, TFOs should make a good faith effort to conform to

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the mandates of this policy, whenever possible. Where such efforts are necessary, TFOs should document what actions were taken to comply with the federal policy, the local policy, or both.

TFOs who are not deputized as an agent of the federal government in the course of their participation (e.g. a part-time participant) in a federal task force, have a greater responsibility to adhere to local policy and applicable state laws when a conflict between those and a federal policy arises.

475.6 PORTABLE AUDIO/VIDEO RECORDING

The department acknowledges that federal, state and local laws differ in their treatment of law enforcement agencies' use of portable audio/video recording devices; i.e. body worn cameras (BWC). This policy is not intended to undermine or impede the TFOs ability to successfully participate on a federal task force or similar assignment with federal agents. TFOs should rely on the guidance in this policy to inform their actions in instances where their responsibilities related to portable audio/visual recording devices are in question.

TFOs should use the BWC during the course of their assignment with the federal task force while under task force supervision. The TFOs use of the BWC must be in accordance with department policy whenever possible.

This department understands that situations are constantly evolving and there may be times when the recording device cannot be activated. During the course of their participation with the federal task force, if a TFO is given a direct order by their task force supervisor to deactivate the BWC during a situation where it contradicts WSPD policy, the TFO may only do so after verbally acknowledging that they have received such an order. TFOs should reactivate their BWC as soon as practical and as long as it does not jeopardize the task force investigation.

475.7 RETENTION AND RELEASE OF RECORDS

The West Sacramento Police Department acknowledges the federal, state and local laws provide different record retention rules and regulate the disclosure of certain records, including the audio and video records captured by law enforcement agencies, differently. This policy is meant to provide guidance to officers, supervisors and other custodians of records that is consistent with internal policies to the greatest extent possible.

TFOs must identify and preserve data and recordings created during the course of their participation on a federal task force or other special assignment under the supervision of a federal law enforcement agent in accordance with the department policies.

The department will store, retain and disclose such records in compliance with the California Government Code, the California Penal Code and based on the contract agreement with the applicable federal task force agency.

The department may not release any recordings in its possession that have been created by the TFO during the course of their participation in a federal task force or other special assignment under the supervision of federal law enforcement without notifying the relevant federal agency of

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the department's decision to do so and the date upon which the recording must be released. Such notification shall be in writing and shall be provided to the federal agency as soon as possible to provide a reasonable opportunity for the federal agency to seek a protective order or otherwise put forward any federal laws, rules and policy that justify non-disclosure or a more limited disclosure than what the department intends.

Upon written request of a federal agency, the department will provide a full, un-redacted copy of any recording in its possession that is created by the TFO during the course of their participation on the federal task force or other special assignment under the supervision of a federal law enforcement agent. The delivery of the recording(s) must be accompanied by a written cover letter identifying the requesting federal agency, the date of the request and the date of delivery.

Chapter 5 - Traffic Operations

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 West Sacramento 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 POLICE TRAFFIC ESCORTS

The Uniformed Services Division Commander in charge of Traffic or his/her designee, may authorize non-emergency escorts for parades, dignitary security, funeral processions of a public official or dignitary, special events, oversized loads, or as directed by the Chief of Police. The Police Department shall participate in a review of all requests for these types of permits prior to their final approval. The Uniformed Services Division Commander in charge of Traffic or his/her designee will be responsible for the planning and coordinating of all requested escorts.

500.4 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and

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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: [See attachment: Speed Measuring Devices Draft.pdf](#)

500.4.1 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.

500.4.2 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

At the time an officer charges a motorist with a traffic violation, the officer must provide the motorist with a copy of the citation. The issuing officer is responsible for ensuring that the copy includes:

- Information relative to the specific charge.
- The date, time, and location of the motorist's scheduled appearance.
- The court of jurisdiction's telephone number.

500.4.3 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

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500.4.4 HANDLING SPECIAL CIRCUMSTANCES

- (a) **Nonresident Traffic Violators** - When officers issue traffic citations to residents of states other than California, the officers should issue the citations and release the violators in the same manner as residents of this state.
- (b) **Juveniles** - Generally, officers do not take juveniles who commit a traffic violation into custody. Exceptions to this are when a juvenile is driving while under the influence of alcohol or drugs, commits vehicular homicide, or drives without a valid driver's license after curfew. When taking a juvenile into custody, the officer must notify the juvenile's parents as soon as practical. If the officer believes that a juvenile should remain in custody pending a court hearing, or if a parent or guardian cannot be located, the officer must transport the juvenile to the Yolo County Juvenile Hall intake department.
- (c) **Legislators** - When officers issue traffic citation(s) to violators who are identified as legislators no preferential treatment will be given to the violator. Legislators require no special handling in traffic violations and are subject to rules of the road as spelled out in the vehicle code.

500.4.5 DIPLOMATIC IMMUNITY

- (a) The Vienna Convention on Diplomatic Relations, which contains the current law on the subject of diplomatic privileges and immunities, is incorporated in federal law by the Diplomatic Relations Act of 1978 (P .L. 95-393) .The convention applies to members of the staff of a foreign diplomatic mission, which includes the administrative, technical, and service staffs of the embassies in the United States.
- (b) DIPLOMATIC AGENTS and MEMBERS OF THEIR FAMILIES who are not nationals of the United States HAVE FULL IMMUNITY FROM ARREST, DETENTION, OR PROSECUTION for any criminal offense, unless such immunity is expressly waived by the sending state.
- (c) The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official functions. The ADMINISTRATIVE and TECHNICAL STAFF of a foreign mission and members of their families who are not nationals or permanent residents of the United States, HAVE FULL IMMUNITY from arrest, detention, or prosecution for any criminal offense.
- (d) Such officers enjoy immunity from civil process only for those actions carried out in their official capacity. Family members of such officers are not immune from civil jurisdiction. Members of the service staff of a foreign diplomatic mission, which includes DRIVERS, MESSENGERS, AND SECURITY GUARDS enjoy IMMUNITY ONLY FOR ACTIONS CARRIED OUT IN THE COURSE OF THEIR OFFICIAL DUTIES. Family members of such individuals have no immunity.
- (e) PRIVATE SERVANTS of embassy personnel have no immunity.

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- (f) In all cases that persons claim immunity, a police officer has the right to detain the person long enough to verify that the person has entitlement to immunity as claimed. Examining official identification cards can usually do this. Officers may also request that the Communications Center contact the appropriate government agency to verify the individual's status. The detaining officer must immediately notify a supervisor in all cases in which a person asserts immunity from arrest. This directive provides officers with methods for handling these special circumstances. Officers must use these methods when handling selected incidents, violations, or minor offenses involving persons who are privileged from arrest:
- (g) Moving Violations - When officers stop a person who is privileged from arrest for a moving traffic violation, they must verify that the driver possesses proper credentials to substantiate the claim. Officers must exercise discretion. Based on the nature of the violation, either release the driver with a warning or issue an appropriate citation. Merely issuing a traffic citation does not constitute arrest or detention in the sense referred to above.
- (h) Driving While Under the Influence - Officers must never, under any circumstances, allow a person entitled to immunity from arrest to continue to operate a motor vehicle when the officer has probable cause to believe that the person is under the influence of an intoxicant.
- (i) The officer's primary consideration in this type of incident is to see that the driver is not a danger to himself or the public. This is a sensitive situation and the officer must treat the person with respect and courtesy. Do not handcuff the individual or subject the individual to any sobriety test. Officers may however take reasonable actions when a person entitled to diplomatic or consular immunity presents a clear, present and actual danger to himself or others, or, it is apparent that a serious crime has been committed. Officers must protect the safety of the public and the person entitled to immunity and officers must halt any illegal activity. This naturally includes the power to defend oneself or others from harm. In all such cases the officer must immediately call a supervisor. The supervisor must immediately contact the United States Department of State. After evaluating the circumstances, the officer may:
- (j) Make the driver to Police Station, complete any necessary paperwork, and arrange for the driver's immediate release to a responsible party.
 - o Arrange, by telephone, for the driver to have a relative or a friend pick them up.
 - o Take the driver home.
 - o Officers shall submit a detailed memorandum to their Division Commander describing the incident.

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500.4.6 MILITARY PERSONNEL

Generally, no person belonging to the organized militia may be arrested on any process such as may be issued by military authority while going to, remaining at, or returning from any place at which he may be required to be present for military duty. However, on occasion, it will be necessary to issue a traffic citation, effect a physical arrest or investigate a traffic collision involving a member of the armed forces. Armed forces personnel, for these purposes, shall include regular members of the Army, Navy, Air Force, Marine Corps, and the Coast Guard, and reservists who are on active duty. The Police Department makes the following provision for armed forces personnel:

- (a) **Physical Arrest** - When the incarceration of an active duty armed forces member occurs, an on-duty Detention Services Supervisor must notify the liaison officer of the nearest armed forces' investigative headquarters division. This does not apply to the issuance of a traffic citation when an actual physical arrest is not made.
- (b) **Traffic Crash** - A Uniformed Services Supervisor notifies the liaison officer of the nearest armed forces investigative headquarters division when armed forces personnel are involved in a traffic crash, and are either killed, or injured to the extent that they require hospitalization. This policy also applies to civilians employed by the armed forces while acting within the scope of their employment.

500.4.7 UNMARKED VEHICLES

The use of unmarked or unconventional vehicles solely for traffic law enforcement is prohibited by California Vehicle Code § 40800.

500.4.8 UNIFORM ENFORCEMENT GUIDELINES

Officers should take enforcement action when serious violations are observed or reported. It is the intention of the West Sacramento Police Department to take maximum enforcement action when a threat to life and public safety are involved. The following are examples of serious violations:

- (a) Violations involving drug/alcohol impairment;
- (b) Drivers with suspended or revoked license;
- (c) Serious speed violations resulting in added danger to the public;
- (d) Other hazardous violations including but not limited to reckless driving and speed contests;
- (e) Multiple Violations;
- (f) Violations resulting in traffic collisions.

Officers observing less serious violations are encouraged to take appropriate action. Officers should use discretion in determining enforcement actions for things such as:

- (a) Off-road vehicle violation;
- (b) Non-moving violations
- (c) Equipment violations;

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- (d) Public carrier and commercial violations;
- (e) Other non-hazardous violations;
- (f) Newly enacted laws and/or regulations;
- (g) Pedestrian and bicycle violations.

500.4.9 SELECTIVE ENFORCEMENT

The West Sacramento Police Department Traffic Unit uses traffic collision data and traffic enforcement activity data to help determine deployment methods for officers. The Traffic Sergeant is responsible for the collection, review, and distribution of the traffic data.

The Traffic Unit will initiate selective enforcement tactics with an emphasis on certain geographical areas and violations occurring within the given location. The Traffic Sergeant and the Crime Analyst will compile and evaluate data related to traffic collisions, traffic enforcement, traffic flow patterns and roadway hazard information to determine where to perform certain enforcement activities. These tactics include, but are not limited to, RADAR/LIDAR Enforcement, targeted patrol, traffic safety education and targeted enforcement for specific violations.

500.5 TRAFFIC STOP GUIDELINES

Officers make vehicle stops for a variety of reasons to include issuing warnings or citations, identify occupants, and/or detain criminal suspects. Officers should pre-plan every vehicle stop. Although it is impossible to predict the actions of the vehicle's driver or passengers, officers should consider the potential risks and develop a tactical plan for every stop.

500.5.1 TRAFFIC STOP/UNKNOWN RISK GUIDELINES

An officer should consider the following guidelines when making traffic stops:

- Prior to all vehicle stops, notify the dispatcher of your intended stop location, the vehicle's license number or description and color of the vehicle, number of occupants and any other pertinent information that may be relevant in identifying the vehicle and or the occupants at a later date.
- Choose a stop location with tactical advantages. Consider traffic flow, pedestrian involvement, external lighting, and roadway conditions.
- Utilize the appropriate overhead emergency and cautionary traffic directing equipment. At night, utilize the appropriate vehicle illuminating equipment.
- Police Vehicle Location - When stopping the vehicle, consider offsetting the patrol vehicle based on roadway conditions, about fifteen (15) feet behind the stopped vehicle. Turn the front wheels of the patrol vehicle in the direction you intend to approach the vehicle. Leave the vehicle engine running, and the driver's door cracked. Approach the stopped vehicle based on the position of the offset; keeping in mind the offset creates a safety zone.
- Watch the stopped vehicle's occupants for ten to fifteen (10-15) seconds, looking for any unusual movements. If you notice that the occupant's actions are unusual, request a backup officer.

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- If the violator exits the vehicle, or makes any unusual movements, immediately give verbal commands to the violator. If the violator fails to follow your commands, use your patrol vehicle to maintain a position of advantage and request an additional officer for back-up.
- Stay out of the view of the stopped vehicle's side mirror. Check the trunk by pushing down on the lid to ensure it is secure and visually check the rear seat area. Officers should not pass between the front of the patrol vehicle and the rear of the stopped vehicle.
- Maintain a position of advantage when making contact with the driver or occupants of the vehicle.
- When returning to the patrol vehicle, use a "tactical return." Stay outside the view of the stopped vehicle's side view mirror, be aware of approaching traffic, and keep the driver and occupants in view.
- While determining the appropriate course of action and checking on occupant information, officers should be aware of the violator's location and the surroundings. Consider writing a citation at the rear of the patrol vehicle. If you are inside the patrol vehicle, keep the interior lights to a minimum. Always write in a position that enables you to check the violator's position by making a slight eye movement.
- When returning to the violator's vehicle use the same contact and tactical procedures you used initially.
- Notify dispatch of the disposition of the stop and ensure all appropriate records management system entries are completed.

500.5.2 HIGH RISK TRAFFIC STOP GUIDELINES

After confirming the reason the vehicle is wanted, officers should evaluate the need to conduct a high risk traffic stop. Officers should consider the following:

- Seriousness of the crime(s)
- Availability of back-up
- Location at which to make the stop
- Tactics to be used after making the stop
- Number of suspects involved

When conducting a high risk stop, officers should follow the P.O.S.T. approved standards for conducting the stop. A minimum of two officers should coordinate their plan prior to making the stop. Ensure dispatch is notified of your location and request assistance if needed.

Ideally, the patrol vehicles should be placed to the rear of the suspect's vehicle at a position of advantage. Officers should refrain from parking directly to the side of or in front of the suspect's vehicle creating the risk of crossfire. Try to position the patrol vehicles side-by-side at the rear of the suspect vehicle with the primary patrol vehicle on the left and secondary patrol vehicle on the right.

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If possible, one additional officer should move to the passenger side of the secondary patrol vehicle or remain to the right of the primary patrol vehicle, with their vehicle, providing cover for the other officers. This additional officer should consider arming themselves with a long gun to provide cover for the other officers.

Remain behind cover. **Do not approach "high risk" vehicles.** The primary officer should give verbal commands, establishing control of the occupants. Consider using the public address system on the patrol vehicle. If the occupants fail to comply with the verbal commands, officer should prepare for aggressive actions by the occupants. Officers should then develop a tactical plan based on their training and experience.

Clear the vehicle one person at a time by providing simple instructions for exiting. Utilize visual clearing techniques before ordering the occupant to walk backwards towards the center of the primary officer's vehicle. The secondary officer is then responsible for securing this person. The primary and secondary officers then follow the same process until all visible occupants are out of the vehicle.

When it appears all occupants have exited the vehicle, clear it to ensure no additional occupants are hiding inside the vehicle. To begin the clearing process, the primary officer should continue giving verbal commands while the secondary officers tactically approach the vehicle. Consider using a canine to clear the vehicle.

500.6 SUSPENDED OR REVOKED DRIVERS LICENSES

- (a) If an officer contacts a traffic violator for driving while his/her license is suspended or revoked, the officer may issue a traffic citation pursuant to Sections 14601, 14601.1 and 14601.2 of the California Vehicle Code.
- (b) If a computer check of a traffic violator's license status reveals a suspended or revoked drivers license, and the traffic violator still has his license in his possession, the license is to be seized by the officer. The officer will 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 send that form and license to the Department of Motor Vehicles. Form DL-310 is available from the Records Division.
- (c) If a computer check with the Department of Motor Vehicles is not available, and the motorist fails to present the officer valid drivers license, the officer may issue a citation for California Vehicle Code 12951(a). Additional charges under 14601 CVC & may be sought if it is later determined the violator was driving on a suspended or revoked license status.
- (d) When a citation is issued for 14601 CVC, the officer shall impound a motorist's vehicle under the provisions of 14602.6 CVC, and the guidelines of the Department's Serious Traffic Offender Program (STOP). Vehicles impounded under these circumstances shall remain impounded for a period of 30 days. The vehicle shall not be released

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to the registered owner or his agent except upon presentation of a valid license to operate the vehicle or court order.

500.7 REQUEST FOR RE-EXAMINATION OF A DRIVER

Routine traffic enforcement and collision investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disabilities, or other conditions that might interfere with their ability to safely operate a motor vehicle. Officers finding these circumstances may consider completing DMV form DS 427 Notice of Priority Re-examination of Driver and Request for Regular Re-examination of Driver. The DS 427 form shall be completed in conformance with the instructions contained on the form and submitted to the Patrol Supervisor in a timely manner.

500.8 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.8.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.8.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The equipment managers should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The West Sacramento 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.

502.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Division for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for quarterly reports on traffic collision statistics to be forwarded to the Uniformed Services Division Commander, or other persons as required.

502.3.1 TRAFFIC COLLISION AND INVESTIGATION REPORTING

Police officers shall document, in accordance with the provisions of this order, all collisions occurring within the scope of their responsibility, which includes the following:

- All motor vehicle traffic Collisions occurring on streets within the City limits.
- All private property motor vehicle Collisions resulting in personal injury or death, involving a violation of Vehicle Code section 20002 (Hit & Run), or involving an arrest for driving under the influence of alcohol and/or drugs (DUI).
- All vehicle vs bicycle and vehicle vs pedestrian collisions occurring on a highway within the City limits (includes sidewalks) resulting in injury or death.
- All motor vehicle traffic Collisions involving any property or vehicle owned by the City of West Sacramento.
- As directed by the on-duty shift supervisor.
- Collision narratives shall be documented as an INVESTIGATION or as a REPORT, as defined in the most current edition of the California Highway Patrol Collision Investigation Manual (CIM). In certain situations, a CHP 555-03 "Property Damage Only" (PDO) report may be completed as outlined below.

502.3.2 COLLISION INVESTIGATION

- (a) A collision shall be documented as an INVESTIGATION when one or more of the following conditions apply:
 - **FATAL:** A motor vehicle Collision results in the death of a person.
 - **SEVERE INJURY:** A motor vehicle Collision results in severe personal injury. For the purpose of this order, severe personal injury is defined as a visible injury or suspected internal injury, that requires emergency medical treatment at a

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medical facility, whether or not the person is actually transported to a medical facility. Also includes an arm, foot, finger, etc., which is not in a normal position, usually due to a fracture or serious sprain.

- **PROSECUTION:** The collision is the result of an identifiable Vehicle Code violation, prosecution will be sought, and the collection of evidence is required to support prosecution.
- **ARREST:** All collisions resulting in an in-custody arrest for a violation of Vehicle Code section 2800.1, 2800.2, 20002 or 23152.

Should a DUI collision result in a fatality or serious injury, the Department of Alcoholic Beverage Control (ABC) should be notified immediately to provide follow-up or implement their T.R.A.C.E. program.

- **HIT-AND-RUN:** An involved party is in violation of the hit-and-run provisions of VC Section 20002, on or off the highway, and sufficient information is available to identify the hit-and-run vehicle and/or driver through follow-up.

(b) DEPARTMENT VEHICLE INVOLVED:

- An uninvolved officer will investigate all traffic collisions involving on-duty Police Department personnel or Police department vehicles. If the collision occurs in another jurisdiction, the involved officer shall immediately notify the appropriate law enforcement agency and request documentation. As soon as practicable, the officer shall notify the on-duty West Sacramento Watch commander of the collision and its location.
- The watch commander will respond to the scene of the collision to oversee the investigation. For collisions occurring in other jurisdictions, the watch commander will respond to the scene only if practical. The watch commander will complete and forward to the Uniformed Services Lieutenant an administrative review of the circumstances surrounding the collision, and will ensure compliance with City of West Sacramento Administrative Policy Manual section I-B-3.
- Any Department involved collision resulting in a fatality shall be investigated by the California Highway Patrol. Requests for CHP assistance should be made through the Woodland CHP Area Commander.
- When applicable, Department involved collisions shall be documented in compliance with CIM section 2.1.42 relating to on-duty emergency vehicles.

(c) INVESTIGATION FORMAT

- A COLLISION INVESTIGATION shall be documented on a CHP 555 form utilizing the Crossroads Collision software.
- The Narrative portion of the INVESTIGATION shall contain the following headings:
 - **NOTIFICATION:** When and how was the officer notified of the collision as well as where the collision occurred.

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- **RECOMMENDATIONS:** Indicate whether there is a request for more follow-up, a citation should be issued, or the report is to be sent to the District Attorney for prosecution.
- **CAUSE:** Record who was at fault and identify a Primary Collision Factor (PCF). The officer should base his/her opinion on evidence at the scene, and/or the statements of involved parties or witnesses.
- **HIT-AND-RUN:** Document whether there is information to follow-up on and how was it obtained. Also document what follow-up steps were taken by the reporting officer.
- **INTOXICATION:** Document whether alcohol or drugs were a contributing factor and what the test results showed.
- **SUMMARY:** The officer should give his/her opinion of what took place in a logical, time sequential manner noting the direction of travel, highway, speed, lane and relationship of each involved party to each other prior to the collision.
- **STATEMENTS:** Each parties recollection of how the collision occurred and any other relevant information that can be used for the investigation.
- **PHYSICAL EVIDENCE:** List all relevant evidence that could be used for the investigation such as damage to the vehicles or marks on the roadway.
- **PARTIES:** How each party was identified and where they were located upon the officer's arrival.
- **SCENE:** Describe the collision scene; lanes, surroundings, traffic control devices, etc.

502.3.3 COLLISION REPORT

A collision may be documented as a REPORT when one or more of the following conditions apply:

- Damage to property other than a vehicle
- **COMPLAINT OF PAIN INJURY:** No visible injury, but one or more involved party states they have stiffness or soreness as a result of the collision.
- **OTHER VISIBLE INJURY:** A motor vehicle Collision results in minor injury. Includes bruises, which are discolored, or swollen places where the body has received a blow (including black eyes and bloody noses); and abrasions, which are areas of the skin where the surface is roughened or broken by scratching or rubbing (includes skinned shins, knuckles, knees and elbows). A little blood generally oozes from abrasions. Does not include COMPLAINT OF PAIN.
- A motor vehicle Collision involves an injury and the officer witnesses the collision.
- A collision involves a "late reported" injury (CIM 2.1.31). Exception: Fatal collisions shall be documented as an INVESTIGATION.
- A motor vehicle non-traffic (private property) collision that involves an injury.

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- In any case, the on-duty supervisor may determine that the collision should be documented as an INVESTIGATION.
- Hit and Run collisions occurring on City roadways with no suspect information shall be documented as a CHP 555 collision report.

A. REPORT FORMAT

- A COLLISION REPORT shall be documented on a CHP 555 form utilizing the Crossroads Collision software.
- The narrative portion of the REPORT shall contain, at minimum, the following headings:
 - NOTIFICATION: When and how was the officer notified of the collision as well as where the collision occurred.
 - RECOMMENDATIONS: Indicate whether there is a request for one or more drivers to be issued a citation or if the report is for documentation only.
 - CAUSE: Record who was at fault and identify a Primary Collision Factor (PCF). The officer should base his/her opinion on evidence at the scene, and/or the statements of involved parties or witnesses.
 - SUMMARY: The officer should give his/her opinion of what took place in a logical, time sequential manner noting the direction of travel, highway, speed, lane and relationship of each involved party to each other prior to the collision.
 - PARTIES: How each party was identified and their statement as to how the collision occurred.

502.3.4 PROPERTY DAMAGE ONLY (PDO)

- (a) Traffic collisions may be documented as a PDO report utilizing the CHP 555-03 form only under the following circumstances:
1. Only one or two vehicles are involved. Three or more vehicles need to be documented as a COLLISION REPORT.
 2. Only one or two vehicles are involved. Three or more vehicles need to be documented as a COLLISION REPORT.
 3. There are no visible injuries including complaint of pain or any visible injuries.
 4. Damage to involved vehicles is minor and they can be safely driven away from the scene. If a vehicle is disabled to the point it must be towed, regardless if it is able to be moved from the roadway, the collision shall be documented as a COLLISION REPORT.
 5. There is no damage to any type of property that is not a vehicle.
 6. There are no pedestrians or bicyclists involved.
 7. There is no anticipated prosecution.
 8. Private Property Hit and Run collisions with no suspect information or injuries may be documented using this format.

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(b) PDO Format

1. The PDO (CHP 555-03) report is printed on a legal size, multi-copy form. Each form is three pages with pertinent event information being recorded on the top (face) page and a narrative section on the back. The remaining two pages are carbonless copies of page one.
2. The top (face) page is two-sided and becomes the Department's copy. The face page contains location, party, witness, registered owner information, and collision analysis information. Narrative information for the PDO report may be written on the back side of the top (face) page.
3. The second and third pages (carbonless copies of page 1) shall be given to the involved parties.
4. The narrative portion of the PDO report shall contain, at minimum, the following headings:
 - (a) **SUMMARY:** The officer should give his/her opinion of what took place in a logical, time sequential manner noting the direction of travel, highway, speed, lane and relationship of each involved party to each other prior to the collision. The officer should base his/her opinion on evidence at the scene, and/or the statements of involved parties of witnesses.
 - (b) **CAUSE:** Record who was at fault and identify a Primary Collision Factor (PCF). The officer should base his/her opinion on evidence at the scene and/or the statements of involved parties of witnesses.
5. The PDI report can also be documented on a CHP 555-03 form utilizing the Crossroads Collision software.

502.3.5 COUNTER REPORTS

- (a) A COUNTER REPORT or CITIZEN'S REPORT is a property damage only Collision reported by an involved party in person at the police facility.
- (b) COUNTER REPORTS are completed by the involved party; however, an officer or clerical person may provide assistance. COUNTER REPORTS may be documented on a CHP Form 555-03 (PDO).
- (c) COUNTER REPORTS are not processed into SWITRS computer files.

502.3.6 REQUIREMENTS FOR RESPONSES TO THE SCENE OF TRAFFIC COLLISION

Sworn officers must respond when they receive instructions from the dispatcher to report to the scene of the following types of collisions:

- Death or injury.
- Hit and run.
- Impairment of an operator due to alcohol and/or drugs.
- Damage to a public vehicle or property.
- Hazardous materials involved or any spill.

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- Disturbances between involved parties.
- Traffic congestion because of the collision.
- Damage to vehicles to the extent towing is required ("Tow Away", as defined by CIM)
- Any collision occurring on the public roadway wherein police assistance is requested.

When available, officers must respond to private property collisions, if requested, particularly when a disturbance is occurring, or if there is a criminal element to the incident, such as a hit-and-run or DUI. If none of the above elements are present, the officer should help the involved parties with the exchange of information.

502.3.7 OFFICER RESPONSIBILITIES AT TRAFFIC COLLISION SCENES

- (a) It is the responsibility of the first officer on the scene to immediately take charge and protect the scene and administer emergency first-aid. Traffic collisions involving injuries require officers to provide basic life support/emergency medical care until emergency medical Services personnel arrive. The first officers on the scene should also try to establish a safe traffic pattern around the scene and call for whatever assistance as may be necessary.
- (b) The "primary" officer that the Communications Center assigns to the call is responsible for the investigation of the collision and is in charge of the scene unless a supervisor says otherwise.
- (c) Any assisting officer at the scene who obtains names and/or statements from parties, passengers or witnesses shall complete a supplemental report with the individual's personal information, statement and any other pertinent information gathered. In the case of major-injury or fatal collisions, all officers arriving at the scene shall complete a supplemental narrative describing their time of arrival, assignment or actions while at the scene, as well as their time of departure. All supplemental reports shall be forwarded to the investigating officer for review and inclusion in the collision document.
- (d) Officers who are investigating a collision must ensure that they conduct a complete and thorough investigation in accordance with this order, consistent with contemporary practices in the field of collision investigation, and within the guidelines of the current CHP Collision Investigation Manual.
- (e) If photographs and/or extensive or complex measurements, diagramming or evidence collection are necessary, the investigating officer may make a request for an Identification Technician or Collision Re-constructionist to respond to the scene. The on-duty supervisor shall approve such requests. The Traffic Division sergeant will coordinate Re-constructionist call-outs.
- (f) Officers must provide principals in the traffic collision with a case number for the incident. In the event no collision report is required by this order (such as non-injury private property collision), the responding officer shall facilitate the exchange

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of information between the involved parties as required by 20002a CVC. The officer may utilize Exchange of Information forms that the agency provides. The Investigating officer must review the form for valid information and exchange the forms accordingly.

502.3.8 FIRE AND OTHER HAZARDOUS SITUATIONS

- (a) An important responsibility of officers responding to any collision scene is to keep the situation from becoming worse. This responsibility may take on added importance and complexity when actual or potential fires or other hazardous situations are present, or injuries have occurred. Under such circumstances, officers may be called upon to perform certain special activities, and coordinate with personnel from various other agencies. Priorities for action are likely to be affected by the extent and nature of the hazard present.
- (b) The agency must continue to be aware of the responsibilities, practices and procedures of other agencies that respond to or provide technical assistance relating to fire, hazardous material incidents, and emergency medical care. Officers must be kept informed of this information to ensure the best possible coordination and delivery of services.
- (c) Officers should handle vehicle collisions involving a fire in the following manner:
 - o If there is a threat of fire, officers must try to stabilize the conditions by providing adequate protection to the scene. This may include isolating the immediate area, removing persons from the vicinity (if possible), extinguishing the fire (if possible), and summoning the fire department when necessary.
 - o Officers should attempt to eliminate the possibility of sparks or other ignition sources; for example, cigarette smoking, flares, or electricity.
 - o Officers should carefully control the movement of vehicles within the vicinity of any potential fire hazard, detouring traffic if necessary.
- (d) The agency has allocated a copy of the Hazardous Materials Training Guide for each patrol vehicle. Officers must follow the book's recommendations for taking emergency and other appropriate actions to specific hazardous material incidents. Officers must be cognizant that any traffic collision involving a cargo vehicle is potentially a hazardous material incident. Officers should look for any evidence or indication of hazardous material before approaching such vehicles. Procedures for handling hazardous material situations include:
 - o Upon arrival at a traffic collision involving a cargo vehicle, officers must attempt to make a preliminary identification of the cargo by reading the placards visible from a safe distance.

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- When there is any question whether spilled material at a collision scene may be hazardous, officers must avoid contacting the material and keep other persons from contacting the material to the extent possible.
- Officers must follow the procedures in the Hazardous Materials Guide to complete the identification of hazardous materials, to take appropriate emergency action, and to notify the relevant agencies.

502.3.9 TRAFFIC COLLISION INVESTIGATION FOLLOW-UPS

- (a) Traffic collision follow-up investigation is normally the responsibility of the on-scene officer. The Traffic Division and/or personnel with traffic collision reconstruction experience normally investigate fatalities and other serious type collisions. The Traffic Division Sergeant oversees the investigation of all fatalities and any other collision investigations that the Operations Commander assigns.
- (b) Patrol Officers normally conduct the follow-up investigation of hit and run traffic collisions occurring within their beats. Officers must submit hit and run reports at the end of their watch for supervisory review. The originals of hit and run reports go to the Office of Records Management. Officers may retain copies for follow-up investigation. Any additional reporting must occur by using supplemental report forms or other appropriate reporting forms.
- (c) Officers may need technical assistance to thoroughly investigate some traffic collisions. Such technical assistance may include: surveyors, mechanics, engineers, physicists, physicians and/or other specialists. The Traffic Division Sergeant makes any requests for technical expertise not accessible through normal procedures.
- (d) Follow-ups of traffic collision investigations may include:
 - Collecting Off-Scene Data - Officers usually will collect off-scene data when they have specific questions in mind about the cause of the collision. Areas that may require off-scene investigation include, additional measurements of vehicle deformation, lamp examinations, mechanical defects, and tire examinations.
 - Obtaining/Recording Formal Statements - Formal tape recorded statements may be necessary in the investigation of serious or fatal traffic collisions. The Reconstructionist or other officer assigned to the investigation is responsible for obtaining the formal recorded statement.
 - Reconstructing Traffic Collisions - The reconstruction of a traffic collision is conducted only by officers who have certification in traffic collision reconstruction. Reconstructions occur only at the direction of a supervisor, after considering the seriousness and complexity of the collision.

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502.3.10 CONTROLLING TRAFFIC COLLISION VICTIMS PROPERTY

- (a) The Officer at the scene of a traffic collision should ensure that property belonging to the collision victims is protected from theft or pilferage and is removed to a place of safekeeping if the owner is unable to care for it.
- (b) Where practical, property found inside a vehicle at the scene of a collision should be secured with the vehicle and listed according to routine vehicle tow and inventory procedures. However, officers must place items of great value or items susceptible to theft such as money, and firearms into the Property Room, if the owner is unable to take charge of them.

502.3.11 COLLISION CLASSIFICATION SYSTEM

The Police Department uses a traffic collision classification system that integrates the Computer Aided Dispatch (CAD) system and the Records Management system (RMS). Collision classifications are:

- 11-82 Property damage.
- 11-81 Minor Injury.
- 11-80 Major-injury / Fatal.
- 11-79 Unknown Injury.
- 20002 (Twenty-thousand two) Hit & Run

502.4 REPORTING SITUATIONS

502.4.1 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 general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. 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.

502.4.2 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 West Sacramento Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may 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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502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or 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.

502.4.4 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. An Incident Report may be taken at the discretion of any supervisor.

502.4.5 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

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

Traffic Direction and Control

503.1 PURPOSE AND SCOPE

Traffic direction and control functions are performed through a cooperative effort between the Police Department and Traffic Engineering Office. This Order is necessary to ensure the safe and efficient movement of vehicles and pedestrians.

503.2 TRAFFIC ACTIVITIES RELATED TO ENGINEERING

- (a) Traffic Officers are responsible for the following tasks:
 - Collecting and compiling traffic-related data used for identifying specific engineering problems and make recommendations for solutions.
 - Conducting special duties as appropriate to investigate potential problems.
 - Analyzing accident and enforcement data to identify trends and relationships symptomatic to engineering problems.
 - Participates in any existing community transportation system management planning efforts.
- (b) An analysis of traffic trends, directions and control needs is completed. The Police Department and the Traffic Engineer work together to anticipate and identify the number and kinds of resources required to resolve problems.
- (c) The Police Department allocates resources to identify traffic direction and control needs by using unmanned traffic control devices and other apparatus to reduce labor costs.
- (d) Police Department employees carry out manual traffic direction and control functions only at those times and places where law enforcement authority and/or human intervention is necessary to ensure safety and efficiency. Manual traffic direction is usually necessary only until the problem is resolved or traffic control apparatus can be installed.

503.3 HANDLING TRAFFIC COMPLAINTS OR SUGGESTIONS

- (a) The Police Department records and investigates any/all citizen complaints or suggestions regarding traffic-related problems and possible improvements solutions, to learn if the problem is of enforcement or engineering nature.
- (b) The Traffic Division handles complaints or suggestions of an enforcement nature. In cases where complaints are received that may require a long-term enforcement plan, employees must forward a memorandum to the Traffic Sergeant for follow-up investigation and coordination of enforcement efforts. This directive does not preclude Uniformed Services Section officers from the responsibility for handling traffic complaints.

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- (c) In cases where complaints or suggestions are because of an apparent engineering problem, employees must forward a memorandum to the Traffic Sergeant. The Traffic Sergeant coordinates efforts with the City Traffic Engineer, City Public Works or the California Department of Transportation (CALTRANS) and re-contacts the person making the complaint and/or suggestion.
- (d) Employees must initiate immediate notification of the City Traffic Engineer's Office or the Public Works Department when they respond to a traffic complaint of an emergency nature that is the result of an engineering problem or deficiency.

503.4 TRAFFIC DIRECTION AT CRASH AND FIRE SCENES

- (a) The responding employee must assess the hazards presented at the scene to prevent further damage to life or property. Some items to consider are the potential for an explosion, the present traffic conditions, and the road and weather conditions.
- (b) The responding employee directs traffic by establishing a safe traffic flow pattern or by diverting the traffic away from the scene.
- (c) At the scene of a fire or hazardous materials spill, the responding employee should relinquish control of the scene to the senior official of the emergency services upon arrival.
- (d) The responding employee must maintain access and egress to the scene by fire and/or emergency vehicles while maintaining traffic flow around the scene.
- (e) Office Commanders meet with the Fire Department and emergency medical services in West Sacramento to develop/implement plans and identify procedures for providing traffic direction and control support at a crash or fire scene, as necessary.

503.5 MUTUAL TRAFFIC DIRECTION AND UNIFORM HAND SIGNALS

- (a) Manual direction of traffic is a function that uniformed personnel must frequently perform. Circumstances and situations dictate employee response on whether to direct traffic manually or to allow the traffic to flow without manual assistance. Instances when traffic direction and control may be necessary include the following:
 - Inoperative or missing traffic- control devices (until repair or replacement).
 - Accident or other emergency incidents.
 - Special events where heavy traffic congestion occurs.
 - Roadway construction (temporarily until a flagger is available).
 - Utility pole replacement (emergency condition).
 - Adverse weather conditions (lines down, debris in the roadway, etc.).
 - Special assignment (priority traffic/vehicle movement).

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- To assist in traffic control when temporary traffic control devices are deployed, i.e., traffic cones, barriers, etc.
- (b) Employees direct and control traffic by positioning themselves so they are clearly visible in the center of an intersection or in the flow of traffic facing motorist for a stop. Employees should stand with their sides towards flowing traffic and with their weight equally distributed on both feet, hands and arms hanging easily at their sides, unless gesturing.
- (c) Signals and Commands, Employees should use the following signals and gesturing guidelines.
 1. **Stopping traffic:** Extend your arm and point your index finger at the motorist you want to stop. Look directly at that motorist until the driver is aware of your gesture or until you can reasonably assume that he is aware of the gesture. Raise your pointing hand at the wrist so that your palm is towards the vehicle being stopped. Hold your palm in this position until you observe the vehicle has stopped. To stop traffic from both directions on a three-way repeat the procedure for traffic coming from the other direction while you continuing to maintain your arm and palm towards the traffic you have previously stopped.
 2. **Starting traffic:** Point your arm and your index finger at and look directly at the motorist until he is aware of your gesture or you can reasonably assume that he/she is aware of your gesture. Place your palm up, swing your pointing arm from the elbow only, through a vertical semicircle until traffic begins to move. If you have traffic from both directions, stand with your shoulders parallel to the direction of traffic and repeat the procedure above for both directions.
 3. **Right turn:** Motorist usually can make right turns without the necessity of you directing them. When necessary to direct a right turn and the driver is approaching from your right side, point your right arm and index finger and look directly towards the driver. Swing your extended arm and index finger in the direction of the driver's intended turn. If the motorist is approaching from your left side, point your left arm and bend your arm at the elbow (so your forearm is in the vertical position), and then point to the motorist while moving your arm to the right horizontally.
 4. **Left turn:** Do not direct left turning drivers to make their movement while you are also directing oncoming traffic to proceed. You may direct opposing vehicles to start without giving any left turn gesture to the turning motorist, who will lead them to complete their turn only during a gap in oncoming traffic, or you may stop or hold oncoming drivers, then signal left turning drivers to proceed. Turn your right side and arm toward the oncoming traffic, and your left side and arm towards the left turning driver. After you stop oncoming traffic by using your right arm and hand, extend your left arm and with your index finger towards the turning

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driver who intends to make a left turn. Once you have gained the left turning drivers attention, extend your left arm and bend your arm at the elbow (so your forearm is in the vertical position and point to the motorist while moving your arm to the left horizontally

- (d) You may have an occasion to reinforce or explain directions. To do so, move reasonably close to the motorist and politely and briefly explain your directions being careful that you not show frustration, anger or antagonism.
- (e) When it is dark, you may use your flashlight to stop traffic by slowly swinging the beam of the light across the path of oncoming traffic. After the driver stops, you may give arm signals in the usual manner.
- (f) Employees may also use temporary traffic control devices to aid them in directing and controlling traffic. Employees should notify or request notification of the County Engineer's Office or local road department when a need exists to erect temporary traffic control devices.

503.6 MANUAL OPERATION OF TRAFFIC CONTROL DEVICES

- (a) Employee can set traffic control signal to "flash", during a special events. After the event is completed, the traffic control signal must be place in to the normal operation.
- (b) Employees are allowed to operate a traffic control signal manually only by placing the unit on "flash" when necessary because the light is malfunctioning.
- (c) The employee who sets the control signal to "flash" due to a malfunction must request that the Dispatch Center notify the appropriate agency for repair service.

503.7 ADVERSE ROAD AND WEATHER CONDITIONS

The West Sacramento Police Department maintains a close working relationship with those other agencies that share responsibility for coping with adverse road and weather conditions that affect traffic safety. This cooperative relationship includes helping with the development and carrying out of mutual assistance policies, procedures, and programs to serve the public as effectively as possible when such adverse conditions exist.

- (a) Adverse road and weather conditions may include but are not necessarily limited to:
 - o Accidental hazards, such as debris that has fallen onto the roadway from another vehicle, downed power lines, etc.
 - o Acts of nature, such as fog, ice or snow on the roadway etc.
 - o Engineering hazards, such as an exposed guardrail end or other objects that might cause unnecessary additional damage or injury should a vehicle, for any reason, collide with such objects upon leaving the roadway.

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- (b) Patrol employees must be continually alert for hazardous road conditions that might need the attention of the West Sacramento Public Works Department or local roads department.
- (c) Personnel provide traffic direction and control services and scene protection services in the area of adverse road and weather conditions, as appropriate.
- (d) Personnel must assess road hazards or adverse conditions to decide what actions are appropriate to take. For example, ice on the roadways, and/or bridges and whether to salt, sand or dirt or plow response is necessary. (Employees must consider the effects of changing temperatures and their potential to affect the hazard before the responding assistance could arrive).
- (e) Employees should make note when hazardous road condition cause or contribute to a traffic collision. If the employee witnesses a near crash due to road conditions the employee must contact the dispatcher immediately.

Vehicle Towing and Release

510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the West Sacramento Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 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.

If a vehicle must be towed to the police facility for evidence processing, the employee requesting the tow should obtain approval from a supervisor and provide notification to the Identification Technician.

Before towing a vehicle for evidence processing employees should consider using any available garage space at the towing agency, considering the seriousness of the crime, chain of evidence, and the type and volume of evidence work necessary to do.

510.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

510.2.2 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 company requested, a company will be selected from the rotational list of towing companies in Yolo Emergency Communications Agency.

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 West Sacramento. The officer will then store the vehicle using a CHP Form 180.

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510.2.3 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.
- 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.

510.2.4 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.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 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.

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When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.7 RECORDS SECTION 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 Section 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)):

- (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, in writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES

The City of West Sacramento 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 of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

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510.5 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) that 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.

510.6 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

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requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the West Sacramento 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 must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 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 Traffic Sergeant 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 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

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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 letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

Impaired Driving

514.1 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).

514.1.1 DUI ARREST

- (a) The detection and arrest of impaired drivers differ significantly from that of other traffic law violators. Specific statutes govern driving while under the influence of alcohol and/or drugs, implied consent, chemical tests for intoxication, and they establish legal limits of impairment or intoxication. These statutes include provisions that affect an officer's authority and establish procedures for conducting chemical tests and initiating the DUI related driver license suspension process.
- (b) Detection is the first step in any DUI enforcement action. An employee's observation is crucial in establishing probable cause in making the decision to arrest the violator. Officers must:
 - Recognize and identify specific driving behaviors that have a high probability of signifying that the driver may be impaired by alcohol and/or drugs.
 - Recognize and identify specific driving or other behavior occurring during vehicle stops, which provide additional evidence/suspicion that the driver may be impaired.
 - Exercise due care and caution in following impaired drivers and be alert for unusual or inappropriate reactions from the driver.
 - Stop the impaired driver in a safe location, notifying the Communications Center of the reason for the stop.
 - Summon a witness or other assistance as necessary.
 - Never allow the driver to move the vehicle once the vehicle is stopped and the driver is judged impaired.
 - Approach the vehicle with caution, but with little delay.
 - Obtain the violators operators license and other appropriate documents (e.g., registration, insurance card).
 - Interview the driver and any passengers.
 - Recognize and identify specific characteristics, attitudes, and actions that impaired drivers commonly manifest during face-to-face contact.
 - Document all observations leading to the probable cause and suspicion of driver impairment. If probable cause exists to support that the driver may be impaired, request the driver to exit the vehicle for further investigation. Move to a safe location

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to conduct the standardized field sobriety test. Note: Do not conduct interviews or field sobriety tests in the space between the patrol vehicle and the subject's vehicle.

- Select and administer appropriate field sobriety tests to assess impairment (for example, horizontal gaze nystagmus tests, walk-and-turn tests, one-leg stand tests.)
- (a) Officers shall conduct evidential chemical test consisting of one of the following, Breath, Blood or Urine according to California Vehicle Code Section 23612. If the subject refuses to submit to the chemical test, complete the appropriate DMV forms to invoke the implied consent sanction.
- (b) Officers shall make a physical arrest of the violator when all elements of the DUI violation are present according to California Vehicle Code Sections 23140, 23152 and 23153. The decision to incarcerate or release the violator to a responsible adult shall be based on health and safety reasons.
- Whether there is a need for medical attention.
- The location/availability of a responsible adult to assume custody of the subject. The department's policy supports the release of juveniles to a responsible third party whenever possible and/or practical.
- (a) Officers shall tow the violator's vehicle unless a responsible person is present to take responsibility for the vehicle. When the vehicle is towed, officers must inventory the vehicle's property.
- (b) Officers should arrange for transportation and the safety of any passengers.
- (c) Officers will transport the violator to an approved site for evidential testing and processing. Approved sites include:
 - Detention or jail facilities.
 - Hospitals/medical facilities.
- (a) Officers shall complete all necessary forms including an Intoxication/Arrest report, thoroughly documenting all evidence gathered during the investigation and showing the results of all field sobriety and/or chemical test.
- (b) Officers shall submit all citations and reports to their supervisor for review before going off duty.
- (c) Complete all necessary forms including an arrest report, thoroughly documenting all evidence gathered during the investigation and showing the results of all field sobriety and/or chemical tests.
- (d) Decide whether to incarcerate or release the violator. Officers must base the decision to incarcerate or release a violator on:
 - Whether there is a need for medical attention.

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- The location/availability of a responsible party to assume custody of the subject, in cases involving juvenile offenders. Agency policy supports release of juveniles to a responsible third party whenever possible and/or practical.

Officers shall submit all citations and reports to their supervisor for review before going off duty.

514.1.2 DUI COUNTERMEASURES

- (a) Drivers who are impaired by alcohol and/or drugs represent a serious threat to the life and safety of persons using the streets and highways of this state. Consequently, a comprehensive coordinated counter measure program involving education, enforcement, adjudication, treatment, and public support is essential, if the agency is to have long-term success in combating the DUI problem.
- (b) Enforcement is a key element in the DUI counter measure program. West Sacramento Police Department officers must detect and apprehend impaired drivers. Additionally, the agency establishes DUI checkpoints to apprehend impaired drivers.
- (c) Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists. Officers must make a physical arrest of an impaired driver when probable cause to arrest is present.
- (d) Officers may release a DUI suspect to a responsible adult in accordance with procedures described in the "Misdemeanor Arrest and Release Agreement" (form WSP-035) or consider arranging for other transportation as an alternative to arrest.
- (e) Officers must offer a chemical test according to California Vehicle Code Section 23612, agency policy, and the court of jurisdiction.
- (f) Officers are reminded that chemical tests are supplemental tools. A refusal to submit to a chemical test is not sufficient cause to issue a citation for a lesser offense.
- (g) Officers must be familiar with basic DUI detection and standard field sobriety tests.
- (h) Education is another element of the agency's DUI countermeasure program. The Traffic/Parking Safety Unit has the primary responsibility for alcohol and driver safety awareness programs for schools and other civic organizations.

514.2 POLICY

The West Sacramento 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.

514.3 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 Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant

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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.

514.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 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 cause 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 cause 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.

514.5.1 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).

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A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person 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 cause 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)).

514.5.2 BREATH SAMPLES

The Traffic Sergeant 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 Traffic Sergeant.

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)).

514.5.3 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 the arrestee 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.

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 the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee 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.

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514.5.4 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 the arrestee's 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.

514.5.5 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).

514.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause 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, the person 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 the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.5.7 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 cause 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 the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

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).

514.6 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.

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514.6.1 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.

514.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person 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 the person's 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.

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514.6.3 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)).

514.7 RECORDS SECTION RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The Records Manager 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.

514.9 TRAINING

The Training Manager 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 Manager should confer with the prosecuting attorney's office and update training topics as needed.

514.10 ARREST AND INVESTIGATION

514.10.1 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 reasonable 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 crash.
- (b) The person is observed in or about a vehicle that is obstructing the roadway.
- (c) The person will not be apprehended unless immediately arrested.
- (d) The person may cause injury to themselves or damage property unless immediately arrested.
- (e) The person may destroy or conceal evidence of a crime unless immediately arrested.

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514.10.2 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).
- (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 if the person submitted to a blood or urine test.

Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Section shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 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 Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Unit Manager may request the Uniform Services Division Division Commander to recommend dismissal of the traffic citation. If 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 Uniform Services Division Division Commander for review.

516.4 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 Traffic Unit.

516.5 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 letter requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Traffic Unit. The Traffic Unit shall prepare a letter of correction to the court having jurisdiction and to the recipient of the citation.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Section.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

- (a) Administrative reviews are conducted by the Traffic Bureau who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the West Sacramento 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.

516.7.2 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).

516.7.3 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.

516.8 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.

Disabled Vehicles

520.1 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.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.2.1 PROTECTION FOR STRANDED MOTORIST

- (a) Employees will have frequent contacts with disabled and/or stranded motorists. During these contacts, employees should take steps to ensure motorist safety, considering location, time of day, weather conditions and the priority of other calls for service into consideration. This does not preclude placing warning devices to warn oncoming traffic, then clearing the scene if conditions allow this to be safely done. Employees should periodically check to ensure the condition does not deteriorate.
- (b) Employees must never abandon a stranded motorist. Employees should always be certain that assistance is available to motorists and that the location of the motorist's vehicle is not creating a hazardous situation. Employees may, at their discretion, transport stranded motorists to the nearest safe location where the motorist may obtain any necessary assistance.
- (c) Employees helping stranded motorists must remain alert to the following possibilities: the vehicle the motorist possesses has not been authorized for his or her use; the vehicle is in unsafe operating condition; the motorist is not licensed to drive; the motorist is incapable of safely operating the vehicle; and/or the vehicle's occupants have engaged in criminal activity.

520.2.2 PROVIDING EMERGENCY ASSISTANCE TO MOTORIST

Employees must render all practical assistance to highway users involved in emergencies. Some common emergencies that may present themselves are:

- Disabled Vehicles - It will often be necessary to arrange for the immediate removal of a disabled vehicle from the traveled portion of the highway to diminish traffic problems and/or the possibility of a serious crash. When an employee finds that a vehicle needs to be moved from the roadway before the arrival of a tow truck, s/he should, if possible, arrange to manually move it. Employees specifically trained to do so may use specially equipped patrol cruisers to push a vehicle from a hazardous location to a safer location.

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Employees must provide assistance to disabled motorists in obtaining tow services, if necessary.

- **Vehicle Fires** - Employees must immediately advise the Communications Center Dispatcher upon discovery of a vehicle fire. Give the location, type of vehicle, location of fire, and cargo (if applicable) to the dispatcher. The dispatcher notifies the fire department so they can make an appropriate response. Upon the fire department's arrival, the employee on the scene must relinquish control to the senior fire department official. The employee then must assist the fire department until the emergency is resolved and the hazards are cleared.
- **Medical Emergencies** - Upon discovery of a medical emergency, the employee must request emergency medical assistance by advising the Communications Center Dispatcher of the type of emergency, the location, the condition of patient, and any other information available regarding the emergency. After notifying the Dispatcher of the nature of the emergency, the employee should render as much assistance as possible. The employee must be aware of his or her limitations and not involve himself in a level of treatment beyond his or her capabilities.

520.2.3 SAFEGUARDING ROADWAY AND ROADSIDE HAZARDS

- (a) Employees must identify, report and when possible correct hazardous roadway and roadside conditions. Hazardous roadway and/or environmental conditions are, roadway defects, (potholes, ruts, etc.) defects in or the lack of traffic control devices or lighting. Roadway hazards also include obstructions such as debris in the roadway (fallen trees and rocks, litter, vehicle parts, and electrical wires).
- (b) Employees must also be alert for "roadside hazards." Roadside hazards are any physical features of the roadside environment that a vehicle momentarily leaving the road surface, could collide with. Roadside hazards include rigid unyielding supports for traffic control devices and lights, or the failure of safety installations. Some examples of roadside hazards are, malfunctioning breakaway sign supports, guardrails that may "spear" cars or otherwise fail to guide vehicles to a safer environment, unshielded bridge railings that may not retain and redirect an impacting vehicle. Parked or abandoned vehicles, bridge abutments and other hazardous fixed objects built off the roadway, utility poles, trees, ditches, banks that are excessively steep, culverts, rock formations, and other fixed objects and features of the roadside environment into which a vehicle might crash are also roadside hazards.
- (c) When an employee identifies a hazard and believes that the hazard requires immediate correction (such as a fallen tree or electrical wire across or on any part of the traveled portion of the roadway), the employee must immediately inform the Communications Center. The employee must specify the type of assistance or special equipment required. The employee must protect the scene and bystanders, and direct traffic or take any other action necessary to safeguard the situation.

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- (d) When employees discover a hazard that represents a potential crash situation, but there is no immediate danger of a crash, they must complete an information report. The report must thoroughly illustrate the hazardous highway or roadside condition. The approving patrol supervisor must forward a copy to the appropriate road department or the City Traffic Engineer's office (courier stop 84E).
- (e) Towing Abandoned Junk Motor Vehicles CALEA 61.4.3

520.3 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.

520.3.1 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.

520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members 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.

520.3.3 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 member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

520.4.1 PUBLIC ACCESS TO TRAFFIC SAFETY EDUCATIONAL MATERIALS

The goal of all traffic enforcement activity is to achieve voluntary compliance with traffic laws and to eliminate traffic crashes. To meet this goal, the agency must gain community support for enforcement efforts and enhance the community's understanding of the urgent need for traffic safety. All employees share responsibility for enhancing the public's understanding of this need. To assist in carrying out this responsibility, the agency has brochures and other traffic safety materials and programs for employee use during routine contacts in the community.

Traffic safety materials are also on display, (subject to availability) in the lobby of the Police Department, and are displayed at special events such as the Yolo County Fair. Additionally the agency supports traffic safety programs and makes presentations within the community and schools on traffic safety issues. The School Resource Officers and the Traffic Officers are available, on request, for presentations to the community.

72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the West Sacramento City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

524.1.1 PARKING VIOLATIONS

- (a) The intention of the parking enforcement program is to gain voluntary compliance with state and local parking and abandoned vehicle laws. Police and Parking enforcement officers should attempt to correct a parking violation problem with the lowest level of enforcement action that is appropriate to gain compliance with the law.
- (b) It may be necessary to tow vehicles that are blocking the roadway when it is not possible to find the operator. California Vehicle Code Section 22651 and West Sacramento Municipal Code, Section 10.24.060.
- (c) The authority of the Parking Enforcement officers is limited to the enforcement of non-moving parking laws, such as, enforcing violations of parking in handicap zones, fire lanes that are properly posted with the necessary signs and markings, vehicle storage, traffic control and any other parking laws specified in the California Vehicle Code and the City West Sacramento's Municipal Code. Parking Enforcement officers have no other enforcement powers.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of West Sacramento 72-Hour Parking Ordinance shall be marked and noted on the West Sacramento 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 the Traffic Bureau 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 the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

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72-Hour Parking Violations

524.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

524.2.2 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 authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Section immediately following the storage of the vehicle. It shall be the responsibility of the Records Section 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).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Section 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).

UTV Off Road

525.1 POLICY

This policy establishes a procedure for the operation of a law enforcement off road vehicle within the City of West Sacramento. The primary purpose of this vehicle is to enforce violations of law involving vehicular trespass and city ordinance violations in areas that are inaccessible to regular patrol units. The off road vehicle is also well suited for parades, special enforcement projects, directed enforcement, and special events. Although law enforcement vehicles can be operated on city streets, intentional efforts should be made to minimize travel on the city streets. Focus should be on traveling off-road pathways to increase and augment patrol services.

525.2 PURPOSE

The off road vehicle will augment regular patrol units in enforcement of vehicle trespass in areas normally inaccessible by patrol units. They may also be used for directed enforcement in problem areas and special events.

525.3 PROCEDURE

- (a) Organization/Staffing:
 - 1. The off road vehicle will be primarily assigned to and utilized by the Community Services Unit.
- (b) Personnel Equipment:
 - 1. All personnel assigned to operate the off road vehicle, will be in full police uniform, duty belt, weapon and standard issued equipment.
 - 2. All personnel operating the off road vehicle must wear the following equipment when the vehicle is in motion:
 - (a) Issued helmet (DOT standards) to include radio headset for driver and sworn personnel. This includes all passengers, in accordance with the California Vehicle Code requirements.
 - (b) Seatbelts
 - (c) Eye protection
 - (d) Gloves
 - (e) Ideally, portable radios will be used in conjunction with the wireless headset incorporated into the helmet.
 - (f) Civilian passengers are allowed to ride in the vehicle as long as they are wearing all required protective equipment i.e. helmet, seatbelts.
- (c) Vehicle Equipment Guidelines:
 - 1. The off road vehicle will be equipped as a law enforcement vehicle with emergency lights, forward facing red light, siren, P.A. speaker and marked with department insignia.

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2. Law enforcement off road vehicle will minimally be equipped with the following emergency equipment:
 - (a) Fire extinguisher
 - (b) Trauma or first aid kit
 - (c) Recovery equipment (i.e. winch, recovery straps, clevis hook, snatch block).
- (d) Operations:
 1. Prior to operating any off road vehicle, officers shall attend designated training as set forth by this department. The current training course consists of a minimum eight (8) hour block, and is the minimum requirement for all operators. In-house ongoing training should be conducted regularly for all operators to maintain perishable skills. Training must cover basic vehicle operation, vehicle safety and recovery fundamentals, basic vehicle maintenance i.e. checking oil/fluid levels, tire and suspension conditions, safe operation and vehicle maneuverability, proper passenger transport. Emphasis will be made on off road operation where the vehicle will primarily be used.
 2. Before each use, the operator shall conduct an inspection of the vehicle and equipment to ensure it is in safe working order. Staff shall check that the vehicle has all the proper required equipment consistent with Section C.1. Minimally, such inspections shall include the following:
 - (a) Engine performance and operation
 - (b) Check tires for proper tread and tire pressure
 - (c) Check braking performance
 - (d) Visual inspections of the suspension
 - (e) Check all fluid levels
 - (f) Vehicle cleanliness
 - (g) Verify all emergency equipment such as lights, siren, PA etc. are in proper operating order
 - (h) Verify portable radios and Bluetooth connection are in proper operating order.
 - (i) Verify all safety equipment is in good working order (i.e. seatbelts, doors, and winch).
 - (j) j. All vehicle issues should be documented on the department's Vehicle Repair "Blue Sheet".
 3. During operation, officers shall adhere to all rules of the road and wear department issued safety equipment. Although on road driving is authorized, long distance driving should be avoided if possible. Whenever the vehicle is needed at a location far from its storage facility, it should be trailered utilizing its designated trailer. The vehicle's primary use should also be within the city limits.

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4. Off road vehicles are equipped as emergency vehicles; however, they are not ideally equipped for pursuits or emergency driving. Officers should avoid operation of the off road vehicle in this manner due to safety considerations and limitations of the equipment. Officers should take the totality of each circumstance when deciding whether or not to respond CODE 3 to any situation.

Intersection Observation Plan - Code 666

526.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for implementing an intersection observation plan to facilitate apprehension of crime suspects who are fleeing by vehicle.

526.2 CRITERIA FOR IMPLEMENTING - CODE 666

- (a) This plan can be implemented when the following four criteria are met:
 - 1. When the agency having jurisdiction over the area where the offense occurs requests it.
 - 2. A felony crime has been committed.
 - 3. Less than 20 minutes has elapsed since commission of the crime.
 - 4. A description of the suspect vehicle is known (to include the license plate number or if the vehicle has a distinctive description)
- (b) Necessary and/or Useful Information Needed For Implementation
 - 1. Offense committed (187, 211, 459 PC, ect.)
 - 2. Location of offense
 - 3. Date and time of offense
 - 4. Suspect vehicle description (color,year, make, body style, other ID,license)
 - 5. Direction of travel
 - 6. Suspect's description (race,sex, age, height, weight,hair, eyes,clothing,other)
 - 7. Weapons involved
 - 8. Hostages
 - 9. Stolen property

526.3 IMPLEMENTATION PROCEDURES - CODE 666

- (a) The first person having sufficient information for implementation should make the request; time is critical. Approval by a supervisor is recommended but not required.
- (b) Once furnished the necessary information, Yolo Emergency Communications Agency (YECA) may request a Code 666 from relevant and/or requested agencies
 - 1. The dispatcher will:
 - (a) Immediately notify the on duty supervisor
 - (b) Request a Code 666
 - (c) Furnish the agency with the available information
- (c) Coordination
 - 1. Field operations coordination shall be the responsibility of the field supervisor.

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Intersection Observation Plan - Code 666

- (d) Duration of Plan
 1. The plan shall remain in effect on a specific incident until canceled by the implementing agency.
 2. The plan should be updated or downgraded to an alert status after 30 minutes, if the suspect is not in custody. This will allow units to leave their pre-assigned location unless they choose to remain. In either case, they should become available for regular calls for service.
- (e) Cancellation
 1. The Watch Commander or field supervisor shall determine when to cancel a Code 666 initiated by this department.
 2. The need for the plan no longer exists or no useful purpose can be served by maintaining it.
- (f) Suspect apprehension
 1. If the suspect(s) are apprehended as a result of plan, personnel from the agency with jurisdiction over the crime prompting the Code 666 will respond to take custody of the suspects.

526.4 PROCEDURE WHEN ANOTHER AGENCY IMPLEMENTS CODE 666

The Department will be notified by radio and/or telephone by YECA.

- (a) Dispatcher will immediately broadcast the information on this department's radio frequency.
- (b) Patrol and detective units, if available, will be assigned by the Dispatch Center to a location number.
- (c) Units will advise the dispatcher when they arrive at their assigned location.
- (d) When all units are at their assigned location, the dispatcher will notify the outside agency of the locations covered.
- (e) Radio transmissions on outside agency frequencies should be limited to priority information broadcasts to prevent interference with the primary agency emergency information broadcasts.
- (f) If the location assigned to West Sacramento Police Department cannot be covered or it becomes necessary to take the unit off an assigned location, the Sheriff's Department or California Highway Patrol can assign personnel to cover the location.

526.5 OPERATION PROCEDURES - CODE 666

Once a CODE 666 has been established, units will be dispatched to pre-assigned locations. YECA should not broadcast these locations over the radio. The locations are:

- (a) Interstate 5 and County Road 102
- (b) State Route 113 and Gibson Road

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Intersection Observation Plan - Code 666

526.6 PROCEDURE WHEN SUSPECT VEHICLE IS LOCATED

- (a) The Police unit locating the suspect vehicle will indicate such in a radio broadcast and immediately take up rolling surveillance. Radio broadcast should minimally include location and direction of travel.
- (b) Code 666 locations can be found in the Countywide 666 Protocol.

Chapter 6 - Investigation Operations

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 TWENTY-FOUR HOUR CRIMINAL INVESTIGATION AND CRIME SCENE INVESTIGATION FUNCTION

- (a) The General Investigations Commander and/or Sergeant will be responsible for establishing a On-Call for detective and crime scene investigator. The call-outs will cover those periods other than than normal business hours, to include weekends and holidays.
- (b) The Communications Center, patrol watch commanders and administrative staff receive a copy of the On-Call Roster. The General Investigations Sergeant shall notify the Communications Center of any changes to the rosters.
- (c) The on duty Uniformed Services Supervisor must decide that a need exists before calling out an On-call Detective and/or crime scene investigator. When deciding the need, supervisors should consider the seriousness of the offense, the existence of complex evidence, the condition of the scene, and the presence of witnesses. The Investigations Sergeant or Commander should be notified and briefed on the circumstances by the Uniformed Services Supervisor prior to any call-outs. The Investigations Sergeant or Commander can evaluate if additional investigative personnel may be required.

600.3 CRIMINAL CASE SCREENING SYSTEM

The objective of case screening is to focus the available work force on the investigation of crimes that have the best chances for a successful conclusion. The Investigative Sergeant screens new cases to decide the course of the investigation, basing his decisions on:

- The seriousness of the incident.
- The solve-ability factors that are present, including:
- Suspect leads Witnesses Identifiable suspect vehicles Distinctive methods of operation Available physical evidence and/or the involvement of traceable property
- The investigative workload.

The assignment of cases that require special skills, knowledge, or abilities should be assigned to investigators having the necessary training or credentials. This does not preclude an investigator from receiving assistance from others that may have special skills. The intent is to emphasize the need to use the investigator who has the best qualifications for the assignment. To meet this objective the Police Department strives to develop its personnel through specialized and field training programs. Sergeants generally make assignments because of an investigator's

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expertise in a particular crime area and the special talents or abilities that a particular investigator possesses. However, the Office of Criminal Investigations Sergeant or Commander may reassign investigators to priority cases as necessary.

The discontinuation of major case investigations may occur only after review by and the approval of the Sergeant or the Commander of the Office of Investigations.

The Sergeant is responsible for monitoring all cases assigned to investigators. He/she ensures that a computer record of all case assignments is made.

The Sergeant also has the responsibility to assign additional investigators to an investigation if necessary. The investigator that the Sergeant initially assigns to the case (the lead investigator) has the ultimate responsibility for that case, although additional investigators are assisting with the case.

600.4 CRITERIA FOR CONTINUING AND/OR SUSPENDING AN INVESTIGATION

- (a) To close an investigation, investigators must ensure that there are no leads or investigative resources. Investigators must also consider the seriousness of the offense.
- (b) The Investigations Sergeant will approve all case closures.

600.5 CASE FILE MANAGEMENT

The General Investigations Sergeant reviews each report the Unit receives and makes a decision as to what follow up investigation is needed, if any and which investigator will be assigned the case. The Sergeant will complete an Investigative Tracking Form and forwards it to the investigations clerk who enters the case information into the case tracking system. At minimum the below listed information is entered for each case:

- The case number and crime classification
- The date the report was taken
- Date case assigned
- Name of persons involved (Victim, Witness, Suspect)
- The assigned investigator's name
- The geographical location of the occurrence
- Solveability Code
- Review date

600.6 CASE FILE MANAGEMENT SYSTEM

- (a) The Records Division maintains the originals of reports and documents, such as crime reports, arrest reports supplemental reports, and property/evidence forms. A case file is the collection of report copies, photographs, evidentiary notes, etc. concerning an

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investigation. A case file can be either an active or inactive investigation depending upon the particular stage of the investigation. The employee conducting the follow-up maintains the case file while the case is open.

- (b) Investigators may retain the working copies of crime reports for which there are no suspects or active leads, in their files. These reports by themselves do not form a case file. After one year from the date of origin, the investigator may discard them. (The Records Division maintains the original of all documents concerning these offenses.)
- (c) The investigator may create a case file jacket with the case number on the outside of the jacket.
- (d) Personnel must maintain their case files in the filing cabinets within their office area. Each investigator is responsible for ensuring the security of the case files for which he/she is responsible.
- (e) Upon the final disposition of a case, the investigator forwards the entire case file to the Records Division for consolidation into the central records system. The Records Division maintains case files of all homicides solved or unsolved indefinitely.

600.7 CASE STATUS DESIGNATION

All incidents and/or crimes that the West Sacramento Police Department investigates have administrative clearance designations that meet the guidelines of the National Incident Based Reporting System. Employees are required to use the most appropriate designation as the explanation of clearance. The clearance designations are:

- (a) **Administrative status:**
 - o Open
 - o Filed Inactive
 - o DA review
 - o Cleared by Other
 - o Closed Exceptionally
 - o Juvenile Probation or Diversion
- (b) **Cleared by Arrests:**
 - o Arrest by investigations-Adult
 - o Arrest by Uniformed Services-Juvenile
 - o Arrest by patrol-Adult
 - o Arrest by patrol-Juvenile
- (c) **Other Clearances:**
 - o Warrant request

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- Investigation Pending
- Unfounded

600.8 ACCOUNTABILITY FOR PRELIMINARY AND FOLLOW-UP INVESTIGATIONS

The Office of Operations' "Uniformed Services Division" is the first responder and responsible for the preliminary investigation of most crimes. The responding patrol officer conducts the preliminary investigation and the immediate follow-up of the following crimes and other crimes that they are directed to investigate:

- Misdemeanor Assaults
- Harassing or annoying telephone calls (except involving a sex offense)
- Trespassing
- Misdemeanor Domestic Violence
- Burglary
- Theft
- Receiving Stolen Property

General Investigations conducts the follow-up on all other offenses and those investigations that they are directed to investigate by the Chief of Police or his designee.

600.9 HABITUAL-SERIOUS REPEAT OFFENDERS

The Police Department is dedicated to, tracking and apprehending those individuals identified as multiple and repeat felony offenders. Commonly known as a Habitual/Serious Offenders, these individuals commit a substantial and disproportionate amount of serious crimes against the citizens of West Sacramento. A Habitual/Serious Offenders is an individual who has a history with the West Sacramento Police Department of being repeatedly under investigation for the commission, attempted commission or suspected involvement in one or more of the following crimes:

- Homicide
- Robbery
- Vehicle Theft
- Burglary
- Aggravated Assault
- Arson
- Sexual Assault
- Identity Theft
- Street Gang Crimes

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- Financial Crimes related to - Fraud, Forgery and Embezzlement

When preparing a case to be submitted to the Yolo County District Attorney's Office for criminal prosecution, investigators will utilize the Crime Analyst for information on prior crimes of a similar nature and criminal history background information to determine if a suspect is a Serious/Habitual Offender. It will be the responsibility of the investigator to include all pertinent information in his/her report to aid the prosecuting attorney when seeking a criminal filing. The prosecutor may utilize this information to decide if special handling of the case is necessary.

The Crime Analyst will assist in the tracking of Serious/Habitual Offenders based on reading Arrest/Crime reports, attending patrol and detective briefings, information obtained from Cal Gangs, LEADS, Criminal History information and other law enforcement agencies. If the individual meets the Serious/Habitual Offender criteria the Crime Analyst will prepare Repeat Offender Bulletins on those known to WSPD for being continually involved in criminal activity.

Repeat Offender Bulletins will contain the following information:

- Identifiers
- Photo
- Associates
- Parole/Probation status
- Gang Affiliation (if applicable)
- Arrest History
- Method of Operation (MO)

600.10 COLD CASE INVESTIGATIONS

The investigation of Cold Cases is the responsibility of the Office of Criminal Uniformed Services and will be performed by sworn and civilian personnel. Their primary function is to review and continue the investigation of unsolved homicides, suspected homicides, missing persons, rapes and other unsolved violent crimes or Part I violent crimes.

- (a) Definition:** The West Sacramento Police Department defines a Cold Case as a case in which the lead detective initially assigned to the case has exhausted all leads. A cold case may be opened or closed for various reasons such as previously available technology was not able to adequately analyze the evidence, significant time has passed in a case where witnesses were hostile and uncooperative; various time constraints hindered the investigation; and a lack of worthwhile leads stalled the case. A cold case is any criminal investigation that has not been solved and is not actively being investigated.
- (b) Evaluation Criteria:** For a cold case to be assigned to a cold case investigator it must first be approved by the Office of Criminal Uniformed Services Sergeant or

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Commander. The following selection criteria should be considered prior to opening a case:

- New leads or new information has been received on the case.
- A capital murder case will remain assigned to a specific investigator and will periodically be reviewed for possible follow up investigation.
- Leads in the case have not been fully investigated.
- The passage of time warrants re-contacting victims, witnesses, or other involved parties.
- New technological advances in scientific analysis of biological evidence have been made.

(c) **Procedure:** Once a case has been assigned, basic necessary cold case follow up should be completed:

- Meeting with all participants to determine an investigative strategy. The meeting should consist of the following personnel; Supervisor, Case Investigator's, Forensic representative, District Attorney Representative, Subject Matter Experts, and any other deemed necessary personnel.
- Collect and review the investigation notes
- Review the crime reports
- Review the autopsy reports
- Review the forensic reports
- Review the property and evidence reports
- Review the case for physical evidence; determine its status, if previously collected.
- Obtain any reports, which may exist that have been associated with the case.
- Locate evidence from these other reports
- Submit evidence for analysis
- Document interviews and other follow up steps performed by completing a supplemental report.

600.11 POLICY

It is the policy of the West Sacramento 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.

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600.12 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.

600.12.1 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 Bureau supervisor. 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.

600.12.2 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.
- (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.

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- (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).

600.13 INITIAL INVESTIGATION

600.13.1 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.
 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.

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600.13.2 NON-SWORN MEMBER RESPONSIBILITIES

A non-sworn member 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.

600.14 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 Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.15 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 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.

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600.16 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 members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, 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).

600.16.1 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.

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.

600.16.2 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.

600.17 MODIFICATION OF CHARGES FILED

Members 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 a Division

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Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.18 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation 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.

Members 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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601.1 PURPOSE AND SCOPE

Since it is not possible to prevent every crime from occurring, the West Sacramento Police Department must apply modern law enforcement technologies and services in investigating those crimes that do occur. The goal of a criminal investigation is to verify the occurrence of a crime and, identify, apprehend and charge the suspects.

601.2 CASE INFORMATION DEVELOPMENT

- (a) When investigators receive assignment to a case, they must review and analyze the reports that have already been submitted about the offense. After the initial review and analysis, it may be necessary to interview complainants, witnesses and suspects again. This could result in obtaining additional information or names of other people to contact as witnesses or potential witnesses.
- (b) Depending upon the type of crime under investigation, the investigator may develop additional information by contacting informants, other citizens, patrol personnel, detention personnel, parole and probation personnel, etc. Conducting records checks, checking intelligence files, or obtaining criminal history information will aid in developing information.
- (c) The local media is another resource that can be used to develop information. Local radio, television and newspapers can be contacted to broadcast wanted information on a particular crime, with the idea that any information received would be forwarded to the investigator.
- (d) Distributing information to other law enforcement agencies in an effort to identify similar crimes that might involve the same suspects may also prove beneficial.

601.3 INTERVIEWS AND INTERROGATIONS

- (a) When Interviewing victims, witnesses and suspects, investigators should focus on the who, what, where, how and why of the crime. Particular attention should be given to the specific details, especially those that have not become public knowledge.
- (b) Investigators will prepare themselves adequately to conduct an interview or interrogation. Whenever appropriate, victims, witnesses and suspects should be interviewed as soon as possible since, memory is short and others may affect their recall.
- (c) Attitude and actions of the interviewer usually determine the success or failure of the interview/interrogation. Officers should be friendly and businesslike, endeavor to get the victim, witness or suspect into a talkative mood, and guide the conversation toward the Interviewee's knowledge of the case. The person being interviewed should be permitted to tell his/her complete story without unnecessary interruptions. Questions

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should be phrased so as to maintain a free flow of talk rather than a brief "yes" or "no" answers. Discrepancies and inconsistencies should be noted and resolved.

- (d) Whenever possible, interviews involving major crimes will be conducted at the police facility. Interviews with victims, witnesses and suspects associated with cases involving a homicide, serious bodily injury, sexual assault or any significant event where their statements need to be preserved will be recorded.
- (e) Investigators will follow the Constitutional requirements as set forth in the Miranda ruling and will use the warning card supplied by the Yolo County District Attorney's Office. .

601.4 COLLECTION, PRESERVATION AND USE OF PHYSICAL EVIDENCE

- (a) The collection and preservation of physical evidence is often critical in the prosecution of many cases. Every effort should be made to use the best available techniques for gathering evidence. The rules of evidence, proper packaging and chain of custody will be strictly adhered to by investigators.
- (b) The use of Crime Scene Investigators for crime scene processing and other evidentiary needs will conform to the policy concerning "Evidence Preservation and Collection."
- (c) Investigators will assist Crime Scene Investigators in the search, collection and preservation of physical evidence on major cases. Investigators will review evidence with the Crime Scene Investigators to determine its value to the case under investigation.
- (d) All evidence removed from suspects by Investigators will be properly identified and recorded on the department's property/evidence report. The evidence will be secured in one of the lockable property/evidence lockers. Evidence will be examined by the Crime Scene Investigators to determine its value to the case under investigation and if special analysis is required by the California Department of Justice or other certified crime laboratory.

601.5 INVESTIGATIVE BACKGROUND CHECKS

- (a) Investigators frequently need to conduct criminal background checks on persons who may have connections to an active investigation. Investigators may conduct criminal background investigations only on persons connected with an ongoing investigation. Information obtained from these criminal background investigations may lead to additional evidence that may prove useful in the investigation. Criminal background investigations can also provide information that is essential in obtaining search warrants. Information obtained from criminal background investigations can lead to other individuals with connections to the crimes under investigation and may reveal additional witnesses, or additional intelligence information or sources.

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- (b) The following are some of the typical sources of information that may be utilized by the Investigator during the background investigation. State Parole
- County Probation Departments
 - Department of Motor Vehicles
 - DOJ Criminal History
 - FBI Criminal History
 - Local Law Enforcement Agencies
 - Employers
 - Western States Intelligence Network

601.6 SURVEILLANCE ACTIVITIES

- (a) Observations of suspects, offenders and fixed locations are helpful in documenting activities related to specific criminal conduct. Surveillance often detects criminal behavior and provides a basis for obtaining a search warrant or apprehending a suspect in the commission of a crime. The Investigations Division Sergeant is responsible for organizing and planning surveillance operations. Guidelines for planning surveillance operations include:
- Analyzing the crime and victims to decide the nature and scope of personnel, equipment and activities necessary to conduct the operation safely and effectively.
 - Identifying and analyzing probable offenders and their habits associates vehicles, methods of operation, or any other pertinent information that may affect the manner of surveillance and potential prosecution.
 - Familiarizing investigators with involvement in the surveillance operation, with the neighborhood or target area.
 - Deciding the operational procedures for observation and arrests to ensure continuity.
 - Establishing means for routine and emergency communication.
 - Selecting the equipment necessary for the operation including, weapons, motor vehicles, communications equipment, audio and visual monitoring equipment and any other surveillance, undercover or decoy supplies that may be necessary.
 - Providing relief for investigators in the operation, so that surveillance may continue, if necessary, over a lengthy period.
 - Speaking with the prosecutor to detect legal ramifications.

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- (b) The Investigations Division Sergeant prepares or orders the preparation of an Operational Plan before the briefing regarding the surveillance activities. The Investigations Division Commander will review and approve the plan before it starts.
- (c) Surveillance, undercover and decoy operations may affect other investigation of criminal offenses. The Investigations Division Sergeant will notify the Communications Center and the appropriate Patrol Sergeant, of the nature and location of the surveillance operation before it begins, as circumstances dictate. The Investigations Division Sergeant will notify other law enforcement agencies as appropriate.
- (d) Investigators must incorporate information they obtain from a criminal background investigation into a report. All such reports become a part of the case file and rest in the Records Section upon final disposition.

601.7 PRELIMINARY INVESTIGATIONS

Preliminary investigation begins when the responding employee arrives at the scene of an incident, first makes contact with the complainant, or becomes aware that a crime may have been or is being committed. Preliminary investigation must continue until the postponement of the investigation or the transfer of investigative responsibility occurs. The preliminary investigation may be sufficient to bring the case to a satisfactory conclusion, thus reducing the amount of work to be done from a follow-up perspective.

Preliminary investigations usually include:

- Observing all conditions, events, and remarks at the scene to find out if an offense has been committed and if so, the exact nature of the offense.
- Locating and obtaining complete identification of all witnesses.
- Protecting the crime scene to ensure that evidence is not lost or contaminated.
- Finding the identity of the suspect and making an arrest if possible either at the scene or through immediate action.
- Providing other personnel with descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles.
- Detecting what information is known by the victims and witnesses.
- Identifying the circumstances of the offense.
- Arranging for the collection of evidence.
- Obtaining statements from victims and witnesses, and the suspect.
- Accurately and completely recording all pertinent information in proper form.

601.8 STEPS IN CONDUCTING FOLLOW-UP INVESTIGATIONS

- (a) After a preliminary investigation has been completed and a determination made that a follow-up investigation is required, the case will be assigned to an investigator.

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The assigned investigator is accountable for conducting a thorough and timely follow-up investigation. All follow-up investigations will be performed by utilizing acceptable methods of developing information through witnesses, victims, informants and other sources of available information.

- (b) Investigators should understand that no amount of preparation or experience can provide a list for completing or successfully handling every criminal investigation. Instead, investigators should rely on their own experiences, individual training, and the inherent talent they may possess. Not all these procedures are necessary in every investigation.
- (c) Each investigator will review and analyze all preliminary reports prepared by uniformed officers, departmental records and laboratory results of any physical evidence collected related to the case under investigation.
- (d) It may be necessary to contact the uniformed officer who prepared the preliminary report to obtain further information or receive his/her ideas about the offense.
- (e) Investigators will conduct additional interviews of suspects, victims and witnesses when necessary.
- (f) The investigator will ensure that information, which if shared could enhance the chance for a satisfactory conclusion, is passed on to other appropriate personnel including personnel from other criminal justice agencies.
- (g) The investigator should, if possible, go to the scene of the offense even if some time has passed since its occurrence. This enables the investigator to become familiar with the geographic area of the offense. It also provides him/her with the opportunity to conduct a search of the scene for whatever evidence might still be available.
- (h) During all phases of the investigation, the investigator will ensure that reports, statements, drawings, sketches, and other materials of any kind are such that the prosecutor can successfully present them in Court. The investigator should become so familiar with the case that he can answer any questions that the prosecutors or supervisors pose, and can testify professionally and knowledgeably.
- (i) Upon developing a suspect, the investigator will check all available sources to:
 - o Ensure the correct identification of the suspect. Identification of a suspect may occur through photo or stand-up lineups, testimony of witnesses and from physical evidence that identifies a particular suspect.
 - o Conduct research into the suspects involvement in past offenses, through arrest records and criminal history checks.
 - o Investigators should utilize the Crime Analyst, prior incidents of a similar nature to determine if the suspect is involved in other crimes.

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- (j) Investigators will ensure that all interviews or interrogations of suspects in a criminal offense are done with the strictest compliance to all-existing laws and Department policy.
- (k) At the earliest possible time, the investigator will attempt to obtain a written statement from a suspect in any criminal offense. It is better to obtain a false statement (which can be challenged later) than not to obtain a statement at all.
- (l) Investigators will obtain statements from the victim of a criminal offense if none were taken during the preliminary investigation or when additional information becomes known. Such statements should include sufficient facts to prove or disprove the allegations. Investigators should also obtain statements from all witnesses to the offense and from persons who may possess information relevant to the case.
- (m) Investigators will take steps to see that an open communication channel exists between themselves and the witnesses and victims. It is important to make sure all witnesses and victims know how they can contact the investigator to supply additional information.

601.9 PROBABLE CAUSE ARREST (PC PICKUPS)

- (a) An officer who has developed probable cause to believe that an adult has committed a felony (or that a juvenile has committed a misdemeanor or felony) may generate a "PC pickup" so that the individual may be taken into custody.
- (b) The procedure for issuing a "PC Pickup" and arresting an individual based upon the probable cause contained within shall be as follows:
 - o The reporting officer must determine there is probable cause to believe the adult to be arrested has committed a felony, or
 - o There is probable cause to believe the juvenile to be arrested has committed a misdemeanor or felony.
 - o The reporting officer determines that the issuance of a "PC pickup" is warranted.
 - o The reporting officer shall complete a Probable Cause Declaration, describing the probable cause for the arrest.
 - o The Declaration must be reviewed and signed by a sworn supervisor to be valid.
- (c) Regardless of whether the entire original report is completed, the Declaration and a copy of the completed face sheet of the report shall be submitted to the reporting officer's direct supervisor prior to the end-of-watch. The Declaration shall be stamped "Original", be signed by the reviewing supervisor, and will serve as the only document authorizing arrest. All copies of the Declaration shall be stamped "Copy" and shall not serve as authorization to arrest. Any special instructions may be attached to the Declaration.

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- (d) The supervisor shall then attach the original Declaration to the report in the Records Section and place a copy of the Declaration in the Office of Uniformed Services Roll Call Briefing Book.
- (e) If the issuing officer or any other employee is aware, or becomes aware, that there is no longer probable cause to arrest, they shall immediately notify the on-duty supervisor who shall cancel the PC Pickup by stamping the original with the appropriate cancellation remark and removing the copy from the Office of Uniformed Services Roll Call Briefing Book.
- (f) An arrest authorized by PC Pickup is not the same as a warrant arrest. All applicable statutes and the laws of arrest, search, and seizure apply.
- (g) If a peace officer locates the wanted person, prior to arrest;
 - o The on-duty supervisor shall pull the original Declaration to determine whether the person is still wanted.
 - o The on-duty supervisor shall determine if an arrest warrant has already been issued on the same case. If an arrest warrant has been issued, the warrant may be served and the PC Pickup is automatically revoked.
 - o A peace officer shall not make the arrest until confirmation of the validity of PC Pickup has been received.
- (h) If the probable cause is still valid, the detaining officer may make the arrest, subject to applicable law. If the detaining officer has reason to believe there is no longer probable cause, based on any reliable information or facts not known to the issuing officer, an arrest shall not be made.
- (i) If an arrest is made, the arresting officer shall;
 - o For adult felony arrests, complete the original Probable Cause Declaration, which will be filed at the jail with the arrestee. Minors will be lodged or released pursuant to applicable policy and law.
 - o Update the crime report as well as complete a supplement to the case.
 - o Generate an arrest sheet.
 - o Ensure the copy of the Declaration is removed from the Office of Uniformed Services Roll Call Briefing Book.

All PC Pickups will automatically expire 30 days from date of issuance.

601.10 RAMEY WARRANTS

Officers having probable cause to arrest an individual may choose to seek a Ramey warrant. Such a warrant may be based upon a violation of law amounting to a felony or misdemeanor and shall be obtained as follows:

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- (a) The officer seeking the warrant shall prepare a declaration of probable cause setting forth the facts upon which the probable cause to arrest the individual is based. Supporting documents, such as witness statements, may be incorporated into this declaration. The declaration of probable cause must be approved by an on-duty sworn supervisor and signed by the officer under penalty of perjury.
- (b) The officer shall then prepare the Ramey warrant itself. This warrant must contain the following: name of arrestee; times the warrant was issued; name of court, including the name of city or county in which the warrant was issued; direction to peace officer to bring the arrestee before a judge; and the amount of bail, if any.
- (c) The requesting officer will then take warrant and probable cause statement to a Deputy District Attorney who will review and sign the probable cause statement.
- (d) The warrant must then be submitted to a judge for review. Once the judge determines that probable cause exists and signs the warrant it shall become effective.
- (e) Once the judge determines that probable cause exists and signs the warrant the officer may immediately attempt to serve the warrant pursuant to applicable statutes and the laws of arrest, search, and seizure.
- (f) The original Ramey warrants shall, as soon as practical, be submitted to Records where it will be stamped "Original" and will serve as the only document authorizing arrest. The warrant will then be properly filed, entered into RMS, and, when applicable, entered into NCIC.
- (g) As soon as practical the officer shall ensure the signed documents are taken to Room #111 of the Yolo County Superior Court where court personnel will assign a Ramey Warrant number, seal the judge's signature and stamp with name stamp. The court personnel will retain a copy of the warrant and the original probable cause statement for the court's records.

Once a Ramey warrant is served it shall be attached to the original criminal case along with the "Certificate of Service of Ramey Warrant". Members of the Records Division shall also ensure that a proper record of the service is entered into RMS, and, when applicable, removed from NCIC.

Immediately following the arrest the entire case, along with these attachments, shall be expeditiously forwarded to the District Attorney for prosecution. It is extremely important that the entire case reach the District Attorney's office immediately following the arrest as, due to the nature of this type of warrant, the arrestee will be in custody before that office has any knowledge of the matter.

601.11 FILING CRIMINAL CHARGES

- (a) When an investigation results in the positive identification of a suspect, it is the responsibility of the investigator to arrest the suspect on probable cause or seek

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criminal charges from the District Attorney's Office. The investigator must prepare an Adult Complaint/Warrant Request form.

- (b) In all cases the investigator shall; seek additional information from uniformed officers or other sources, plan, organize and conduct searches, determine involvement of suspects in other crimes and prepare cases for presentation in court.
- (c) The Adult Complaint/warrant Request form. The following items should be attached; All Police Reports, a DOJ Criminal History report, and a DMV History report. The investigator should contact the District Attorney's office for review of the case file, when questions arise as to the correct elements of the crime to be charged or as a resource for any other legal issues involving the case.
- (d) When an arrest warrant is issued the investigator will be notified and may serve or arrange for the service of the arrest warrant on the suspect. The service of an arrest warrant is restricted to only sworn officers.
- (e) When the District Attorney's Office has dismissed a case for action or inaction by a member of the police department, the prosecutor may contact the appropriate Office Commander to look into the matter and plan corrective action if necessary.

601.12 PLANNING, ORGANIZING AND EXECUTING SEARCH WARRANTS

- (a) Follow-up investigations can sometimes reveal information that can lead to the procurement of a search warrant. When an investigator develops information that confirms the need for a search warrant, he is responsible for drafting an affidavit and search warrant, contacting the District Attorney's Office for review of the warrant and affidavit and obtaining the signature of a Judge having jurisdiction.
- (b) The Investigations Division Sergeant and/or Commander must review search warrants prior to presentation to a Judge.
- (c) It is the responsibility of the Investigations Division Sergeant and/or the Investigations Division Commander to organize sufficient personnel to conduct a safe and orderly service of the search warrant. The Investigations Division Sergeant or Commander directs the execution of the search warrant.
- (d) Upon completion of the search, the investigator must make proper return of service of the search warrant to the court. The search warrant return must contain a full list and description of all property taken during the service of the search warrant. All property or evidence must be labeled and stored in the Police Department Property Warehouse.
- (e) Prior to the execution of the search warrant, the investigator must develop a written Operational Plan. The Investigations Division Sergeant and/or Commander must review and approve the plan prior to briefing of personnel and execution of the warrant.
- (f) When a warrantless search is conducted in a large public area for physical evidence, the lead Investigator will be responsible for planning, organizing, conducting the

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search. The use of VIP's, additional department staff, boat patrol, specialized canines, California Highway Patrol, Sacramento Police and Sheriff's Departments Helicopters, or other methods appropriate for the area and evidence being searched for should be considered. Crime Scene Investigators will assist the investigator and collect, record, photograph and preserve the physical evidence.

601.13 CRIMINAL INVESTIGATIONS CHECKLIST

Investigators will utilize the Checklist on the Case Tracking Form to ensure that critical areas in an investigation are not overlooked. In major cases involving homicide, serious bodily injury, or any other significant event requiring multiple the Major Crime checklist will be utilized. The lead investigator will be responsible for ensuring that the Major Crime checklist is completed. At the conclusion of an investigation the checklist list will be forwarded to the Records Division and placed with the original case.

601.14 CRIMINAL INVESTIGATORS RANK AND SALARY

Sworn personnel are assigned to the Investigations Division by the Chief of Police. Regardless of rank and assignment, the pay schedules within each classification are the same and personnel may be transferred from the Uniformed Services Division to the Investigations Division, or vice versa without loss of income.

601.15 INVESTIGATORS ATTENDANCE AT MEETINGS AND PATROL BRIEFINGS

- (a) When an investigator develops information of obvious benefit to patrol personnel, he will forward it to the Uniformed Services Division lieutenants for inclusion in the Roll-Call briefings.
- (b) Investigators are also encouraged to routinely attend patrol roll-call briefings to exchange information on the status of major cases, planned operations, officer safety concerns, current crime problems, wanted persons or any other information deemed to be officer important to the police mission.
- (c) The Investigations Division conducts a weekly meeting to share information between Investigators. Uniformed Services Division personnel are encouraged to attend these meetings.

601.16 TASK FORCES

The use of an investigative task force can be a valuable tool in combating crimes committed by organized groups, by individual committing crimes in multiple jurisdictions or to achieve a proactive approach when addressing specific crimes. Creating a task force can eliminate duplication of effort and enhance the chances of a successful crime solution.

When members of the West Sacramento Police Department take part in an investigation task force, the following concerns will be addressed:

- The purpose is identified;

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- Responsibilities and authority are defined;
- Accountability is established;
- Available resources will be identified;
- Results of the task force and their continued necessity will be evaluated.

The West Sacramento Police Department has established partnerships and works closely in various law enforcement task forces within Yolo County and the Sacramento Region. The participation in task force operations range from full time, one day a week, to specific target enforcement activity with a limited term, depending on the assignment.

Although investigators working on the task force are working under the direction of the Task Force Supervisor, they are required to keep in contact with Investigations Division Supervisor or Commander in a timely fashion.

Evaluations of task force operations should occur continually. The Task Force Commander must keep contributing agencies abreast of the situation, in terms of progress and results.

601.17 PROCEDURE FOR INVESTIGATION ASSISTANCE BY YOLO NARCOTIC ENFORCEMENT TEAM (YONET)

The West Sacramento Police Department is a participating agency in the Yolo Narcotic Enforcement Team (YONET), county-wide narcotic task force. The following is the criteria for investigations requiring YONET to be contacted and the procedures for requesting assistance.

(a) **Types of Uniformed Services Requiring YONET Notification:**

- All incidents in which a clandestine drug laboratory is discovered. Refer to General Order 5.6.1 Section G for procedures to follow when a clandestine drug lab is discovered.
- Possession for sales, sales and transportation of controlled substance investigations and arrests where substantial amounts of controlled substances are located.
- All controlled substance investigations requiring a controlled substance related search warrant.
- All incidents where indoor and outdoor marijuana cultivation operations are discovered.
- All possession for sales, sales and transportation investigations in which money over the amount of \$500.00 is present or seized.
- Incidents in which a narcotic intelligence informant is developed

- (b) YONET may assist allied agencies on specific enforcement operations and in other non-drug criminal investigations upon approval of the YONET Commander and the YONET Board of Directors.

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(c) Normal Business Hours Requests

- In the event that investigation assistance from the Yolo Narcotic Enforcement Team (YONET) is needed during normal business, contact the West Sacramento Police Department representative assigned to YONET. In the event that person cannot be reached, contact the YONET office for assistance. If no contact can be made at the YONET office, follow the after-hours call-out procedures.

(d) After Hours Call-Outs

- In the event an after hours YONET call-out is needed, contact the West Sacramento Police Department representative assigned to YONET via cell phone or at home. All call-outs will be evaluated on an individual basis by the YONET Agent to determine the priority of the request and the level of response by YONET. All after-hour call-outs are at the overall discretion of the YONET Commander. In the event the West Sacramento Police Department representative assigned to YONET is unable to be contacted, contact Yolo County Dispatch and request that the YONET Commander be contacted.

Sexual Assault Investigations

602.1 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 Senior and Disability Victimization policies.

602.1.1 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.

602.2 POLICY

It is the policy of the West Sacramento Police Department that its members, 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.

602.3 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.

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602.4 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.

602.5 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 Bureau supervisor 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.

602.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
 5. 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.

602.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Yolo Emergency Communications Agency, 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.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic

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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.

602.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

- (a) Prior to the commencement of the initial interview, 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, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in 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 § 679.04).
 2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 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).

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

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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.

602.8.1 COLLECTION AND TESTING REQUIREMENTS

Members 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).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 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 delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available

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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, members 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).
 - 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. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.
- (b) 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 confirmed 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 or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.
 - 4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.
- (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.

602.8.3 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

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602.9 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 Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Detective Bureau supervisor 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.

602.10 CASE REVIEW

The Detective Bureau supervisor 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 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.

Computer Voice Stress Analyzer Examinations

603.1 PURPOSE AND SCOPE

The West Sacramento Police Department utilizes the Computer Voice Stress Analyzer as an investigative tool for the purpose of truth verification, when appropriate, as a means of screening candidates for potential employment with the Police department, as well as during criminal investigations. However, they should not be used as a single determinant for gaining employment or final determinant factor in criminal investigations. In addition, they should not be used to circumvent good investigative procedures. Use of the Computer Voice Stress Analyzer by the Police Department will be conducted in the manner set forth in this General Order.

It will be the policy of the West Sacramento Police Department that certified operators conduct all Computer Voice Stress Analyzer examinations.

603.2 DEFINITIONS

- (a) **Computer Voice Stress Analyzer (CVSA):** CVSA is a psychological stress evaluator that detects, measures and charts the stress in a person's voice, by live to tape analysis following a pre-formatted questionnaire.
- (b) **Qualified Examiner:** A person who has satisfactory completed training by a recognized instructor in truth verification and the use of the CVSA. The certified examiner's course must have the minimum curriculum as listed below prior to receiving a certificate of completion. The National Institute of Truth Verification (NITV) provides initial training for certification in CVSA examinations.
 - History of lie detection: 1 hour
 - Producing perfect charts: 10 hours
 - Physiology: 3 hours
 - Interviewing and interrogation: 15 hours
 - Chart interpretation: 16 hours
 - Test construction and question formulation: 6 hours
 - Covert interviewing and analysis: 4 hours
 - Final exam and review: 3 hours
- (c) **Overt Interviews:** Live interviews by the CVSA examiner with the applicant, suspect, victim, witness or complainant. These interviews are conducted with prior knowledge and permission that certain questions will be recorded live and captured by the CVSA for analysis. Additionally, all or portions of the interviews will be recorded on audio and/or videotape.

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- (d) **Covert Interviews:** Audiotape analysis by the CVSA examiner where investigators have obtained voluntary tape interviews from a suspect, victim, witness or complainant. The interviews are designed to capture a yes or no response to pre-determined questions. The CVSA examiner will then analyze this taped interview. All covert interviews will have prior approval of the Operation's Commander.
- (e) **Audio Tape Analysis:** CVSA examiner analysis of the recorded responses of tape interviews, wherein the interviewee has responded with "Yes or "No" to a pre-formatted questionnaire.

603.3 USE OF CVSA FOR INVESTIGATIVE PURPOSES

CVSA examinations should be utilized in conjunction with investigative leads and interviews of available suspect(s), victim(s), or witness (s). When practical, both the victim and the accuser should be tested in order to add validity to the examination results. These results are not to be used for arrest or legal action, but are designed for developing leads, validity and obtaining case direction. When practical, audiotape analysis should be followed with a live interview and examination.

603.4 PERSONS WHO MAY NOT BE TESTED

- (a) Children under the age of eighteen must have parental or legal guardian consent prior to testing. The consent must be in writing and in the possession of the CVSA examiner prior to the beginning of the examination. Children under six years of age will not be tested.
- (b) Any person who has been forced or coerced into taking the examination.
- (c) Any person that has been indicted by the Grand Jury or formally charged for the crime that the CVSA is being requested for, unless there is an agreement and stipulation signed by the person to be examined, his/her defense attorney, and the prosecutor.
- (d) Any person who is extremely angry or agitated following an intense interview or interrogation will be given a cooling off period prior to testing.
- (e) Any person who is severely mentally handicapped, or impaired by alcohol or drugs to a point as to cause the examiner concern.
- (f) Use of Polygraph/CVSA Examinations as prerequisite to Accusatory Pleading Prohibited. California Penal Code Section 637.4 (a) states, "No state or local government agency involved in the investigation or prosecution of crimes, or any employee thereof, will require or request any complaining witness, in a case involving the use of force, violence, duress, menace, or threat of great bodily harm in the commission of any sex offense, to submit to a Polygraph/CVSA examination as a prerequisite to filing an accusatory pleading."

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603.5 RESPONSIBILITIES OF CVSA EXAMINER

- (a) The CVSA examiner will review the available information pertaining to the case in question prior to administering an examination.
- (b) The CVSA examiner will have the approval of his/her supervisor prior to running a tape analysis unless it is accompanied by a voluntarily signed consent. The Uniformed Services Commander must authorize any covert use of the CVSA.
- (c) No person will be examined at the request of another organization unless the Commander of the Office of Criminal Uniformed Services first authorizes the examination to be conducted.
- (d) All CVSA operators will submit a monthly log of completed tests to the Uniformed Services Commander.
- (e) The CVSA examiner will receive a second opinion (co-call) from another certified examiner on all tests conducted.
- (f) The CVSA examiner will not conduct examinations that may compromise their integrity, i.e., test on close friends, relatives and persons the examiner has a relationship with must be deferred to a neutral operator.
- (g) CVSA examiners will not violate the professional standards taught by the certified examiner's course. The Office of Criminal Uniformed Services Commander and the CVSA examiner are the final authority in determining if a subject is suitable for testing.

603.6 RESPONSIBILITIES OF INVESTIGATOR REQUESTING A CVSA EXAMINATION

- (a) The investigator will complete an investigation prior to a CVSA examination being scheduled, or consult with the examiner during the investigation, as the CVSA is a supplement to, not a substitute for, a comprehensive field investigation.
- (b) The investigator will be responsible for notifying the subject of the date and time for the scheduled appointment and to ensure the subject has transportation to the police department.
- (c) The investigator will remain available in the Uniformed Services office until completion of an examination, unless otherwise agreed to by the examiner and investigator.
- (d) The Investigator will notify the CVSA examiner immediately if the subject cancels an examination appointment.
- (e) The CVSA should be utilized during any investigation where truthfulness is a concern.

603.7 CVSA RECORDS

- (a) CVSA records will include log number, suspects name, case number, waiver of rights, voluntary submission forms, subject information sheet, CVSA graph, and statement of results.

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- (b) CVSA records will be maintained for at least a three (3) year period and/or until any litigation is concluded in the case/issue.
- (c) CVSA records will be secured in a locked filing cabinet and accessible only to the examiner.

603.8 INTERNAL AFFAIRS

- (a) CVSA examinations will only be administered during criminal or administrative investigations focusing on a sworn officer or civilian employee, if the employee freely volunteers to take the examination. This insures the employee's constitutional rights and permits the use of any statements or admissions made during the examination to be admitted as evidence, with the approval of the Chief of Police or his/her designee.
- (b) Civilian complainants and witnesses may be tested by use of the CVSA in order to test the veracity of their complaint, allegation, or ability as a material witness. These interviews will only be conducted after a voluntary test waiver has been signed.
- (c) The use of covert interviews (audio tape analysis) will have prior approval from the Chief of Police, or his/her designee.
- (d) CVSA operators will not administer a test on police officers without a written consent.
- (e) CVSA examinations will not be the sole determinant of fact in an administrative or criminal investigation.

603.9 USE OF CVSA EXAMINATION FOR PRE-EMPLOYMENT

CVSA examinations used in the selection process for all Police Department positions, will be approved by the Chief of Police, or his/her designee to insure the following:

- Suitability of candidate.
- Verify accuracy and completeness of information on application.
- Resolve questions or conflicts arising during the background investigation.
- History of criminal, or other disqualifying behavior.

Questions to be asked will be provided to applicant just prior to and at the location of the test so applicants can have sufficient time to review and ask the examiner questions. The CVSA will not be the single determinant of employment status. However, admissions made before, during or after the examination may be used to show cause for denial of employment.

Organized Crime Administration and Operation

605.1 PURPOSE AND SCOPE

The West Sacramento Police Department recognizes the serious affect that organized crime and vice has on the social and financial health and well-being of this community. Every employee must shoulder the responsibility in suppressing all forms of organized crime and vice activities, to ensure that the citizens of West Sacramento have a safe and respectful living environment and to reduce fear.

605.2 ORGANIZED CRIME AND VICE RESPONSIBILITIES

(a) The Special Investigations Unit (SIU) is responsible for Organized Crime, vice, narcotics and criminal street gang investigations under the direction of the Investigations Division Commander.

(b) Members of the Special Investigations Unit (SIU) are responsible for investigation, arrest, and prosecution as well as, gathering, analyzing, and disseminating appropriate information regarding, but not limited to, the following areas of criminal activity:

- Any organized criminal group;
- Any organization which threaten, attempt, plan, or perform acts of terrorism or perform acts disruptive of the public order;
- Organizations which possess or attempt to acquire quantities of arms, ammunition, or explosives for the purpose of causing disruption of the public order or any other illegal acts;
- Criminal Street Gangs;
- Organizations whose primary purpose is sustaining or financing organizations engaged in criminal activity;
- Illegal gambling operations.
- Prostitution.
- Extortion and/or bribery (evaluated on a case-by-case basis.)
- Illegal sales and use of controlled narcotics.

605.3 MANAGEMENT OF CONFIDENTIAL INFORMATION AND COMPLAINTS

(a) When an employee of the West Sacramento Police Department receives information of organized crime, gangs, and narcotics or vice activity, he/she will forward the information to the Special Investigations Unit (SIU) Sergeant or designee using a WSPD Intelligence Information Report. (Form WSP-080). The SIU Sergeant then reviews the report to learn whether the information should be committed to an investigative report, or the information is of an intelligence nature.

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(b) If the information is of an investigative nature, the SIU Sergeant assigns a Detective or Officer to complete a report and then pursue all leads until either the suspects are charged, or the report is deemed inactive with no further leads.

(c) If the information is deemed of an intelligence nature, the SIU Sergeant will make copies the report and distribute it to the appropriate personnel or units for review and information.

(d) When an officer receives a complaint from a citizen related to vice, narcotics, intelligence or gang activity, he/she will complete an "Intelligence Information Report" and forward it to the SIU Sergeant or designee. The SIU Sergeant or designee then assigns the complaint for investigation to the appropriate Detective, Officer or to the Yolo Narcotic Enforcement Team (YONET).

(e) When a detective or officer receives a complaint from a citizen, he/she reviews the complaint and decides whether an offense has occurred and whether the complaint is general vice information or organized crime intelligence information. The assigned detective or officer then analyzes the information by cross-indexing and by evaluating crime trends with the assistance of the department Crime Analyst.

(f) The Investigations Division Commander completes and forwards a quarterly report to the Chief of Police, listing the total offense and citizen complaint reports that the Special Investigations Unit (SIU) receives.

(g) The investigative methods necessary to use for an investigation will vary depending on the nature of the complaint. Detectives and officers are to contact the complainant during the investigation, as necessary. Assigned detectives and officers must update the SIU Sergeant concerning their investigations through the timely submission of reports, and through personal contacts.

(h) When a detective or an officer receives a request for information from an outside agency, he initiates an Intelligence Information Report form, and forwards it to the SIU Sergeant or designee. If the information requested is of a confidential or sensitive nature, the SIU Sergeant reviews the request for approval or disapproval. If the request is for restricted information, the designated detective, officer or Sergeant may disseminate it on a need to know basis. Need to know means that the information is pertinent and necessary to the requester to initiate, further, or complete, an investigation. The assigned detective, officer or sergeant must record the information that he provides by noting it on the original Intelligence Information Report form, in the Officer Comments section.

(i) When the Special Investigations Unit (SIU) enters a joint investigation with another agency, the SIU Sergeant may allow a free flow of information between investigative units, without granting his or her express approval. In the event that a request for intelligence is received, the above procedure prevails before dissemination of information.

(j) The SIU Sergeant maintains contact with various agencies and keeps a file of persons within those agencies who act as representatives for contacts concerning sensitive information and

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investigations. The SIU Sergeant and or designee maintain this file to enhance relations and the flow of information from other agencies.

(k) Investigations into vice and organized crime offenses can involve tremendous expenditures of time, money, and effort. To evaluate the accuracy and credibility of the initial information, decide the scope and relative importance of the problem, and establish a solid investigation, certain questions must be considered when deciding whether to investigate a complaint:

- Is the original intelligence information valid?
- What is the criminal nature of the problem?
- How important is the problem?
- What lead information exists?
- What investigative techniques might be used?
- Does the agency have sufficient resources?
- What possible operational problems exist?

(L) Any initiation of a significant investigation by the Special Investigations Unit (SIU) requiring extensive resources will only be done with the approval of the Investigations Division Commander after consult with the Deputy Chief of Police. The Chief of Police will be briefed on all cases involving the investigation of organized crime.

(M) When a detective, officer or sergeant receives substantial information on a primary offender, he or she reviews the information with the SIU Sergeant or designee. The SIU Sergeant evaluates the accuracy and credibility of the initial informant and the scope and importance of the problem, before the employee commits himself to an extended investigation.

605.4 MANAGING SECURITY OF INVESTIGATIONS

(a) Active ongoing undercover investigation reports and intelligence information remain in the Special Investigations Unit (SIU) office, in a secure file cabinet and are separate from the Department's central records system until deemed appropriate to forward to records. When an inquiry concerning any of the suspects listed in the report is made, the employee assigned to the investigation handles the inquiry. In the event that the assigned employee is not present, the SIU Sergeant reviews the request, and decides if there is a need to know, before approving the dissemination of the information.

605.5 SPECIAL INVESTIGATIONS FUNDS

(a) The West Sacramento Police Department maintains Special Investigations Funds, and accounting systems associated with those funds, to pay for specialized investigative expenses incurred in active organized crime and drug and vice investigations. The maintenance of these funds is the responsibility of the Investigations Division Commander. Disbursement of special investigations funds will be allowed only under the guidelines outlined in General Order 609 Disbursement of Special Investigations Fund.

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(b) The Special Investigations Funds are available for the detectives, officers or sergeants designated to conduct specialized investigations for the purposes of paying informants, purchase contraband as evidence and to cover expenses associated with investigations, surveillance and undercover operations.

(c) The Investigations Division Commander maintains the Special Investigations Fund account through an expenditure journal, receipts, vouchers, and a deposit and withdrawal balance log, which will be kept in the Investigation Division safe. The Investigations Commander or designee will be the only persons authorized access to the safe and disbursement of funds.

(d) To obtain Special Investigations Funds, detectives, officers or will make a verbal request and receive approval from the Investigations Division Commander or designee. After approval the detective, officer or sergeant will complete a receipt and include a brief explanation on the Special Investigations Expenditure Form as to what the funds are to be used for.

(e) The Investigations Commander or designee will make an entry in the expenditure journal showing the date, amount of money being withdrawn, current balance, case number, name of officer and any other pertinent information.

(f) Unused funds will be returned to the Investigations Commander, who will make an entry in the expenditure journal "amount used section." The Investigations Commander or designee will maintain this ledger for each employee that uses Special Investigations Funds. This ledger shows funds received and expended and reflects the current balance of funds available.

(g) Vouchers (Special Investigations Expenditure Fund) will contain the following information:

- Case number of the offense report or the intelligence report number.
- Date of expenditure.
- The name of the officer expending the funds.
- The amount given
- The amount expended.
- The amount returned
- Type of investigation.
- The signature of the detective, officer or sergeant expending the funds.
- Signature of approving supervisor.
- Signature of witness officer.

(h) The voucher will reflect the purpose and nature of the expenditure and if the expenditure is an informant payment, the informant's index code number will appear on the voucher and the appropriate receipt signed by the informant will also be submitted with the voucher. The approving Sergeant or Commander will complete the supervisor's assessment of the operation section on the form.

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- (i) Detectives, officers or sergeants will explain any subsequent law enforcement action regarding the expenditure in their offense or intelligence report.
- (j) The Investigations Commander will maintain the completed Special Investigations Expenditure form and all receipts in the Division safe for audit purposes.
- (k) The Investigations Division Commander may designate a supervisor to authorize informant payments or single purchase transactions up to twenty-five dollars (\$25.00). The Investigations Commander may authorize payments up to three hundred (\$300.00). The expenditure of funds above \$300.00 requires the approval of the Chief or Deputy Chief.
- (l) The Investigations Commander submits a quarterly expenditure report concerning the audit or reconciliation of the Special Investigations funds account to the Chief.

605.6 SURVEILLANCE AND UNDERCOVER EQUIPMENT

- (a) The Investigations Division Commander or designee will be accountable for the distribution and use of surveillance and undercover equipment. Officers prior to utilizing any specialized equipment will obtain authorization from the Investigations Commander or designee. The use of department surveillance equipment shall be restricted to law enforcement operations. Detectives, officers and sergeants will use the Special Equipment Check Out Log and shall be accountable for the care and custody while in their control. Specialized equipment consist of the following: Surveillance Van, electronic surveillance and recording equipment, night vision scope, radios and any other specialized equipment maintained by the Investigations Division.
- (b) Investigations detectives or designated officers will conduct regular inspections on all specialized equipment. If any equipment is defective or requires service, the detective or officer will immediately forward a memo to the Investigations Division Commander. The Investigations Division Commander will review the repair memo to determine if the defective equipment will be repaired or replaced. Service of specialized vehicles will be handled in the same manner as all other Department vehicles.
- (c) Officers assigned to units outside the Investigations Division will review the intended use of electronic audio and video surveillance equipment, with the Investigations Division Commander or designee before use.
- (d) Detectives, officers and sergeants who intend to use a body wire and/or any other specialized electronic equipment will brief the Investigations Division Commander or designated supervisor as to the nature of the case and obtain approval before use.
- (e) The maintenance and operational readiness of the department's surveillance van will be the responsibility of the Special Investigation Unit. Use of the surveillance van by anyone other than Investigations personnel will be approved by the Investigations Division Commander or designee.

605.7 SURVEILLANCE, UNDERCOVER, DECOY AND RAID OPERATIONS

- i(a) Vice and organized crime offenses, by their nature, often require employees to develop evidence of a crime by infiltrating an operation or associating with persons suspected of criminal

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activity. The Investigations Division conducts decoy, undercover and surveillance operations, as necessary, after approval by the Investigations Division Commander or designee.

(b) When the Investigations Division compiles active information indicating criminal trends or long-range directions, the assigned detective or officer forwards a report to the Investigations Supervisors or Division Commander indicating the information to be disseminated. The Investigations Supervisors or Commander then reviews the report, and if he/she concurs, forwards all strategic information to the Chief and Deputy Chief. The designated Investigations Supervisor will distribute intelligence information in the form of a report using established distribution guidelines.

(c) The Investigations Division has the primary responsibility for coordinating and planning organized crime and vice control, surveillance, undercover and decoy operations. As part of this responsibility, the designated supervisor of the operation must ensure that the Lead Officer or Detective submits a West Sacramento Police Department Operation Plan. Operations will be thoroughly planned and outlined in the Operations Plan.

(d) All operations plans will be reviewed and approved by the Sergeant or Officer in Charge supervising the operation prior to the beginning of the operation. A copy of the operations plan will be provided to each detective and officer assigned to the operation and to the On-duty Watch Commander and Patrol Supervisor. The details of the operation will be discussed in a pre-operation briefing.

(e) In planning an operation, the Lead Officer must analyze the crime and victims to figure out the nature and scope of personnel, equipment, and activities required to conduct the operation safely and effectively. If the operation involves suspects known to be armed or may have a high potential for violence, the Operation Supervisor will consult with the S.W.A.T. Commander to determine if there is a need to utilize S.W.A.T. to assist with the operation. In such cases, the West Sacramento Police Department High Risk Entry Checklist will be completed by the Operation Supervisor and the S.W.A.T. Commander or designee.

(f) The following information should be included in each Operations Plan and be used as a guideline for planning operations:

- **Lead Officer or Detective:** The primary Officer or Detective responsible for the investigation.
- **Type of Operation:** Identify the specific type(s) of operation(s) to be conducted i.e.: Arrest, parole search, probation search, surveillance, search warrant, CI Buy, Vice Operation, UC Buy and other pre-planned operation.
- **Personnel:** The Operations Plan shall include a list of all personnel assigned to the operation plan, outlining call signs, phone numbers, vehicles and assignments. Assignments may consist of but are not limited to Supervisor, entry, search, perimeter, locations, special tool assignments, photographs and evidence collection

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- **Undercover Personnel and Informants:** This will include the name, vehicle, cellular phone number of the undercover officer or Informant, verbal bust signal, verbal emergency signal and a hand bust signal.
- **Suspects:** All pertinent information pertaining to the suspects involved in the operation including their name, date of birth, physical description, identifying numbers, criminal history and photographs.
- **Locations:** Address and description of all locations related to the operation. When possible, maps of the area and photographs should be included.
- **Vehicles:** All vehicles related to the investigation should be identified if the information is available. This should include the license number of the vehicle, the vehicle description and the registered owner information. Establishing means for routine and emergency communication.
- **Background:** A summary of the background information regarding the operation or investigation. Selecting necessary equipment including, weapons, vehicles, communications, audio, and video equipment and other surveillance, undercover or decoy supplies as necessary.
- **Mission:** A summary of the purpose of the operation. Providing relief, backup security and perimeter protection, for employees involved in the operation, so that surveillance may continue over an extended period, if necessary.
- **Rally Points (Primary and Secondary):** Locations designated as emergency meet locations to use in the event of a critical incident such as shots being fired, officer injury or Communication with the Yolo County District Attorney's Office to determine legal ramifications.
- **Special Problems and Considerations:** Any known special problems or considerations pertaining to the operations shall be outlined in the operations plan. This includes but is not limited to weapons, fortifications, guard dogs, history of violence or mental conditions, drug or alcohol abuse, children and elderly.
- **Execution:** A timeline summary of the mechanics of the operation shall outline to include the briefing time, start of operation, a clear method of the operation and a maximum time of the operation.
- **Communications:** A primary and secondary radio channel shall be identified for the operational communications. An emergency radio channel shall be identified for ALL emergency radio communications. If a radio transmitting device is being utilized for the operation, the channel shall be identified and included in the operation plan.
- **Medical Emergencies:** The operations plan shall indicate if there is an Emergency Medical Technician or Paramedic assigned to the operation and will indicate their name and radio call sign. The location of the nearest trauma center will be identified by address, contact telephone number and map location.

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- **Law Enforcement Notifications:** All jurisdictions affected by the operation will be notified prior to the operation. The operations plan shall indicate who made the notification and the date and time the notification was made. The Western States Information Network (WSIN) is part of the national Regional Information Sharing System (RISS). WSIN serves as the primary method for deconfliction for the West Sacramento Police Department. Prior to planned high risk activities to include but not limited to undercover operations, surveillances, search warrant service, arrest warrant service and certain probation and parole searches, WSIN will be notified of the location, time, involved agencies, and suspects and any other pertinent suspect related information prior to beginning the operation. All personnel assigned to the Investigation Division and other specialized units will have access to WSIN. WSIN can be notified via telephone, email or via web based electronic submittal. The person who notified WSIN, the date and time notified and who was notified shall be noted in the appropriate location on the operation plan. If the submittal was via email or web based, that should be noted.
- **Individual Equipment and Special Equipment:** The operations plan shall indicate all individual equipment and specialized equipment required for the operation.
- **Contingency Plans and Critical Incident Checklist:** The operations plan shall include contingency plans indicating procedures for responding to critical incidents such as shots fired, barricaded suspect, officer down and hostage situation. A Critical Incident Checklist will be included to assist with identifying tasks in the event of a Critical Incident. Barricaded suspect and hostage situation procedures are detailed in Policy 414 Hostages and Barricaded Suspects.
- **Attachments:** The Operations Plan shall have attached photographs of Confidential Informants involved in the operation, photographs of the suspect(s), a map of the operational area(s), photographs and diagrams of the location (if available) and a map to the nearest trauma center.

(g) Surveillance, undercover and decoy operations may be affected singularly or simultaneously during the investigation of organized crime, vice or other criminal offenses. The Operation Supervisor or designee notifies the Communications Center and the appropriate Patrol Sergeant, of the nature and location of the operation before implementation, when circumstances dictate. In addition, the Operation Supervisor or designee notifies other local law enforcement agencies that may be affected, as appropriate.

(h) Detectives and officers will plan undercover operations following agency guidelines for surveillance operations, considering the following criteria:

- Contacting suspects via undercover personnel.
- Analyzing the neighborhood or target area where undercover and support officers will work.

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- Supplying undercover employees with false identity disguises and necessary credentials, besides maintaining confidentiality of false identities when appropriate.
- Providing guidelines for any arrest that the undercover operation produces.
- Providing backup security for undercover employees.
- Providing close supervision during application of the undercover operation.

(i) The Department prohibits the use of any controlled substances by undercover employees unless a threat to the safety and cover of the employee clearly exists. If an employee finds it necessary to use a controlled substance, he must submit a report via the chain of command to the Chief of Police.

(j) The planning of decoy operations will occur following Department guidelines established for surveillance operations. Guidelines for planning decoy operations may include:

- Disguising decoy officers to resemble victims.
- Developing operations procedures such as observation and arrest.
- Deciding the number and placement of backup employees for security and protection.
- Providing close supervision during implementation of the decoy operation.

(k) Various enforcement units within the Police Department may have the need to conduct raids. The Sergeant of the unit that will be conducting the raid is responsible for its coordination and planning. As part of this responsibility, the Sergeant or designee will complete an Operation Plan prior to implementation.

(l) The Sergeant will notify the Watch Commanders through the chain of command that a raid is pending before conducting the raid. (m) Personnel involved in raids during the investigation of organized crime, vice control or other criminal offenses, will follow established Department guidelines regarding the use of force and deadly force.

(n) Upon completion of any planned operation outlined in this general order, an incident or crime report will be completed documenting the operation and all necessary information needed for criminal prosecution. An After Action Report will be submitted to the Chief of Police via the chain of command following all significant operations or operations resulting in the use of force, injury to citizens or officers and damage to property.

605.8 SUMMARY REPORTS

The investigations and activities conducted by the Special Investigations Unit are reported to the Chief of Police on a weekly basis via the Compstat process and weekly meetings. In the event there are confidential investigations or activities which cannot be reported via Compstat, the Special Investigations Unit Sergeant will prepare a confidential memorandum to the Chief of Police summarizing the investigation or activities.

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605.8.1 ANNUAL REVIEW

An annual review of processes and procedures will be conducted by the Special Investigations Unit Sergeant

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608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

608.2 INFORMANT FILE SYSTEM

The Special Investigations Unit (SIU) maintains a Master File of informants with an emphasis on security and rigid access control. These files must be completely confidential to ensure the anonymity and protection of the informants. An informant Identification Record will be completed on all confidential informants, paid informants, or informants that are likely to be used to testify in a court action.

The Informant Identification Record will be retained in the informant Master File, which will be under control of the SIU Sergeant.

608.2.1 FILE SYSTEM PROCEDURE

- (a) The Informant Identification Record will include, but not limited to the following:
 - Informant File Checklist;
 - Informant Personal History Information;
 - Photograph;
 - Criminal history, CDL and warrants, if any;
 - Informant performance record, to include reliability of information;
 - Record of payment of confidential funds made for past information.
 - Informant Admonition
 - Informant Contract, if applicable
 - Informant Identification Number.
- (b) Informant/Operator Indexing - Each informant/operator will be issued a permanent number. The number will be written or typed on the tab attached to the exterior portion of the red folder. Under no circumstances will the informant/operator's true identity be depicted on the exterior of the folder. The informant/operator's true identity will be logged on a master sheet and will be secured within the locked Master File cabinet. The SIU Sergeant will issue the Informant Identification number. The informant number will be sequentially numbered to include the month and year created. (Example 123-01-04)
- (c) When the folder is not secured within the locked file cabinet, it will be maintained within the immediate and direct physical control of the officer or any other person authorized to possess such information.

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- (d) The SIU Detective/ Officer will be assigned to make an inquiry with all available resources to determine if the informant has previous contacts with any police agency under the status of an informant.
- (e) The SIU Detective/ Officer will then document on the Informant Identification Record one of the following:
 - o No prior contacts were found
 - o Subject is considered reliable -- The SIU Detective/ Officer will document the name of the agency/officer that used the subject in the past and any case numbers to help establish reliability.
 - o Subject is considered unreliable. Data supporting this conclusion will be documented when available.
- (f) The SIU Detective/ Officer is responsible for updating and ensuring that information and documentation is current and the file is properly maintained. Informant Identification Records will be purged only on approval of the SIU Sergeant and Investigations Division Commander. There will be no time limit for retaining informant files.
- (g) All informant records will be kept in a locked file cabinet located within the SIU office. The Investigations Division Commander will authorize the number of keys possessed by department personnel. Informant records will be securely locked in the Master File and will be physically separate from all other files.
- (h) Access to the informant records will be limited to SIU personnel unless otherwise authorized by the SIU Sergeant. An officer will be allowed access to an individual Informant Identification Record for the purpose of updating information, such as, change of address, to record any additional information the informant may have provided to the officer. These entries will be made under the direction of the SIU Detective/ Officer.

608.2.2 INFORMANT PROCEDURES

- (a) General Policies - Establishment of Informants the title "Informant" covers the following:
 1. **Confidential Informant:** A person who, under the direction of a specific officer and with or without exception of compensation, furnishes or performs a lawful service for the department in its investigations and operations.
 2. **Defendant Informant:** As in (a) above, but subject to arrest and prosecution for a State or federal offense, or a defendant in a pending case who expects compensation for his/her assistance in either the form of judicial or prosecution consideration of another form.

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3. **Restricted-Use Informant:** Any person who meets any of the following criteria will be considered a "restricted-use informant", subject to use as authorized below:

Person less than 18 years of age: only with written consent of the Office Commander and the parent or guardian. (see minor's waiver;

Person on probation or parole (Federal or State): Only with the consent of the agency supervising the person.

(b) **Source of Information:**

- o The title "Informant", as well as the informant requirements, does not apply to "sources of information". A source of information is a person or organization, not under the direction of a specific officer who provides information without becoming a party to the investigation itself (e.g., a business firm furnishing information from its records; a concerned citizen who witnesses an event of interest.). Sources of information will be classified as Citizen Informants or Anonymous Informants.
- o Citizen Informants are known persons who provide information without the desire of compensation. In most cases, a citizen informant is one who is providing information for the betterment of the community. Although the identity of a citizen informant may be protected, an investigative record of the Citizen Informants identity must be maintained in the event the need arises to further question the person or if there is a need to summon them to court.
- o Anonymous Informants are informants which provide information on their identity is not known. The information provided can be used to aid in an investigation but must always be corroborated through other sources.
- o Should a person who would otherwise be considered a source of information seek financial compensation or become a continuing active part of the investigative process, his status should be shifted to the informant.
- o Whenever possible, a person or organization fitting within this definition can should not be identified by name in investigative reports and all efforts will be made to protect their identity for their safety, the safety of officers and to protect ongoing and future investigations. The assigned informant identification number should be used when referencing an informant in the opening of each report. Once the informant is referenced by number in the report, they can be referenced by the following terms and abbreviations.
- o Untested Confidential Informant (CI): An informant providing information in which the informant has not yet been deemed reliable through corroborating the information they provided. Confidential Reliable Informant: An informant providing information in which the informant has been deemed reliable through

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the corroboration of the information they have provided in the past. The standard for corroboration is three past cases in which the information they provided has been deemed reliable. The final determination on the number of cases required to deem an informant's information reliable falls on the District Attorney's Office prosecuting the investigation at hand.

(c) **Informant Criteria:**

1. There are three criteria that will be met to establish a person as a West Sacramento Police Department Informant.
2. The person will be in a position to demonstratively assist the department in a present or future investigation.
3. To the extent possible, a practical judgment can be made that the person will not compromise the Department's interest and activities.
4. The person will accept the degree of discretion necessary to effectively utilize his services.

(d) **Requirements for Informant Use:**

1. The following requirements will apply to the Department's development of defendant informants:
 - (a) The approval of the appropriate prosecutor (that is, Federal, State) will be obtained prior to seeking the cooperation of a defendant.
 - (b) A defendant may be advised that his/her cooperation will be brought to the attention of the appropriate prosecutor. No further representations of assurances will be given without approval. The prosecuting attorney will have the sole authority to decide whether or not to prosecute a case against a defendant/informant.
 - (c) The appropriate prosecutor will be advised of the nature and scope of the defendant's cooperation throughout the period of his/her use. The prosecutor will set the procedures and frequency of this reporting.
 - (d) An "Informant Identification Record" will be completed and maintained in the Special Investigations Unit secure Master File cabinet on all informants used by the department.
 - (e) Whenever an informant's assistance to the police department goes beyond merely providing information and evolves into actual participation into the investigation, i.e. making introductions between officer and suspect, making controlled buys of narcotics, etc., the informant will sign the Informant Admonition Form.

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- (f) This form will be attached to the Informant Identification Record and filed in the appropriate Special Investigations Unit files.

608.3 USE OF INFORMANTS

- (a) An Informant (or source of information) will be advised at the beginning that:
 - He/she will not violate criminal law in furtherance of gathering of information or providing services to the Police Department and that any evidence of such a violation will be reported to the appropriate law enforcement agency.
 - He/she has no official status, implied or otherwise, as an agent or an employee of the Police Department.
 - The information provided might be used in criminal proceedings and that, although the department will use all lawful means to protect the informant's confidentiality, this cannot be guaranteed.
 - The case officer will control the direction of the operation and the informant. They will never place themselves in the position of having to take action when there is insufficient staffing or equipment to insure the credibility of the investigation and the safety of all parties involved.
 - The entire relationship and direction will come from the officer. It is not uncommon for the informant to attempt to become involved in planning of an operation or investigation. Informants will not be present at operational briefings.
- (b) Informants are assets to the department, not a specific officer. At its discretion, the department's management may reassign an informant to the control of another officer or unit.
- (c) The relationship between officer and confidential informants must be strictly professional. Any social, financial, or business contacts, directly or indirectly, arising from the officer/informant relationship are strictly prohibited.
- (d) Contacts with an informant will be such that his/her knowledge of the Department's facilities, operations, activities, and personnel is kept to the minimum necessary to his/her successful utilization.
- (e) Contacts with informants shall be made by at least two officers. All significant contacts with the informant, and all information obtained at these contacts will be documented in writing.
- (f) Where an informant is to participate in an undercover purchase in which he/she may come in contact with official funds, controlled drugs, or anything else of potential evidentiary value, he/she will be thoroughly searched both before and after the undercover encounter, and where possible, kept under continuous observation in between. The reason for this is to preclude questions as to the validity or integrity of

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the evidence. Searches of informants will only be conducted by officers of the same sex and in areas preventing exposure to the public or other officers.

- (g) Officers will take additional precautions when dealing with informants of the opposite sex and with informants whose sexual preference may make an investigation more susceptible to compromise through allegations of improprieties. When meeting with informants of an opposite sex every attempt should be made to have an officer of the informants same sex present.
- (h) Informants may be given monetary compensation for information they provide. Officers will consider the following criteria as a basis for compensation:
 - The value of the information to the investigative effort.
 - The validity of the information.
 - Whether the information was already known.
 - The informant's role in the investigation. For example, made a controlled buy, made an introduction to others, etc.
- (i) Employees will not use juveniles as informants without prior administrative approval. Administrative approval should occur only after consulting with the prosecutor's office. The use of a juvenile informant requires court approval via a court order.
- (j) Prior to using probationers or parolees as informants, officers must obtain the approval of the District Attorney. The use of a parolee informant requires the authorization of a Special Agent of the California Department of Corrections and Rehabilitation Special Services Unit. A Parole Agent cannot authorize the use of a parolee as an informant.

A police officer is not empowered to dismiss a case or grant immunity to anyone. The prosecuting agency makes the decision whether to file a case or to dismiss it. Individual officers will not approach members of the judiciary. Correspondence with the courts will be initiated only after approval of the officer's unit commander and the prosecuting agency's been obtained.

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

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608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

- (a) As stated in the "Use of Informants" section, an informant will be advised at the onset that the information he/she provides may be used in a criminal proceeding, and that although the department will use all lawful means to protect the informant's confidentiality, this cannot be guaranteed.
- (b) The disclosure of an informant's identity, even when no prior guarantee of confidentiality was made, will be avoided whenever possible. Informant confidentiality will be thoroughly discussed with the prosecutor prior to the trial or other proceedings and any alternatives will be given full consideration.
- (c) In situations where the disclosure of an informant's identity might adversely affect the outcome of a more significant investigation, the Department may conceivably recommend dismissal or the immediate change of the unit utilizing the informant.
- (d) If the issue of disclosure arises during an officer's testimony and he/she is uncertain of the legal requirements, he/she should request time to discuss the matter with the prosecutor.
- (e) **Undesirable Informants:**
 - o When the case officer becomes aware an informant is undesirable, all contact will cease and the reasons will be noted on the Informant Identification Record. Undesirable informants can be recorded with the Western States Information Network (WSIN) to inform other agencies of the undesirable status.
- (f) **Use of Special Uniformed Services Funds:**
 - o Disbursement of special investigations funds to confidential informants/operators will be allowed only under the guidelines outlined in Lexipol Policy 609 Disbursement of Special Investigations Fund."
 - o As a general rule defendant informants will not be monetarily compensated for their information and/or assistance.
 - o Any deviation from this procedure must be first approved by the Investigations Division Commander prior to payment, or agreement to make payment of funds.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the West Sacramento Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the West Sacramento Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

- (a) Officers shall not withhold the identity of an informant from their superiors

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- (b) Identities of informants shall otherwise be kept confidential
- (c) Criminal activity by informants shall not be condoned
- (d) Informants shall be told they are not acting as police officers, employees or agents of the West Sacramento Police Department, and that they shall not represent themselves as such
- (e) The relationship between officers and informants shall always be ethical and professional
- (f) Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit Sergeant or the Investigations Division Commander.
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer. When contacting informants of either sex for the purpose of making payments, officers shall have another officer present at all times.

608.4.2 SPECIAL GUIDELINES APPLICABLE TO UNDERCOVER OPERATIONS

Because of the nature of undercover operators it is very important to control and verify their every movement when they are involved in a police operation. The following procedures will be used when employing them in such operations.

- (a) **Corroboration** - Actions and events of officers and undercover operators engaged in purchasing narcotics, stolen property or any criminal enterprise must be corroborated in every respect. Whenever officers supervise and control telephone conversations between undercover operators and suspects, all such conversations will be recorded. If the conversation is pertinent to the case, the recording should be transcribed and included within the case report. Tapes of conversations will be initialed by the officer and will include the date, time and case number. An evidence sheet will be completed and the tapes placed into evidence.
- (b) **Written Or Verbal Statements of Undercover Operator/Informant** - A written and or taped statement will be obtained from each undercover operator who is involved in a case to the degree of being a witness. The statement will include a complete description of the suspect, a detailed account of all circumstances and conversations involved in the transaction, as well as anything else of value of an evidentiary nature, example: dates, times, places, are generally very important in the undercover operator's statements and will be recorded. It is imperative that the undercover operator can positively identify the suspect or any other principals.
- (c) **Debriefing Of Undercover Operator** - It is the officer's responsibility to debrief the undercover operator. This will be done at the most convenient opportunity directly after the initial engagement or transaction. This assures that circumstances, events and observations are still fresh within the mind of the operator. The debriefing will be

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taped and placed into evidence. The officer conducting the debriefing will not limit the scope to one area, but will attempt to obtain information covering all areas of criminal activity. The operator, prior to testifying in court, to refresh his/her memory may review the tape.

- (d) **Female Undercover Operators** - At no time will less than three officers be present when a female undercover operator is utilized. Prior to a female undercover operator being utilized in an undercover capacity, a female officer will search her, both before and after the controlled activity.
- (e) **Searches** - Undercover operators will be searched before and after the purchase of narcotics or any items, which could potentially become evidence. It is advisable that three officers participate in the search. In addition to the personal search, it is important to search vehicles utilized in the operation.

Disbursement of Special Investigations Fund

609.1 PURPOSE AND SCOPE

The Chief of Police may approve the establishment of a Special Investigations Fund based on the needs of the department. The use of these funds will be administered according to this procedure.

609.2 FUND CUSTODIAN

The Investigations Division Commander will serve as the fund custodian. The Commander will be responsible for initiating warrant requests or expenditure claims charged against the account. Detectives, officers and sergeants from the Investigations Division will have access to the use of funds, as needed, and approved from the Fund Custodian.

609.3 APPROVED USE OF FUNDS

The Special Investigation Funds will be utilized to pay informants, purchase contraband, or otherwise maintain and finance undercover or investigative operations approved by the Chief of Police.

609.4 CASH OPERATING BASE FOR SPECIAL INVESTIGATIONS FUND

- (a) The Chief of Police will establish a cash-operating base for the Special Uniformed Services Funds, and will approve any increase, which will be drawn from the Special Department Expense account (Cost Center 101-9111-5259) of the Uniformed Services Budget.
- (b) All fund disbursements require the expressed approval of the Investigations Division Commander. The Investigations Division Commander prior to the money being paid out will approve disbursements exceeding \$25.00.

609.5 FUND DISBURSEMENT

- (a) The Investigations Division Commander will maintain a confidential fund disbursement journal. The cash disbursement journal is designed to provide the commander with the dollar amount of the cash operating base that is currently on hand and an accounting of how past funds were spent. Additionally, all fund disbursements will be recorded on the Special Investigations Expenditure form and maintained by the Investigations Division Commander for audit purposes.
- (b) The Investigations Division Commander will be responsible for keeping the journal up-to-date and will list the following information in the document:
 - o Date of transaction.
 - o Name of investigator/officer disbursing the funds.
 - o Reason for the expenditure, to whom and for what purpose. All related case numbers must be included.

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Disbursement of Special Investigations Fund

- (c) Officers receiving funds will sign for and be issued a receipt. The Investigations Division Commander will maintain the original receipt and the officer will receive a copy. Any unused funds will be returned to the Investigations Division Commander and will be reconciled on the Special Investigations Fund journal and Expenditure form.
- (d) Detectives, officers and sergeants disbursing funds from the Special Investigations Fund will issue receipts for all expenditures, including informant expenditures, which will be signed by the informant. All receipts will be submitted to the Investigations Division Commander for audit purpose.
- (e) Guide for Use of Special Investigations Fund Expenditures
- (f) This guide will be utilized to record and document expenditures of Special Investigations funds paid to non-police informants for information and/or services rendered.
- (g) The following information will be documented on the West Sacramento Police Department Undercover Operator/Informant Worksheet:
 - o Date funds paid.
 - o Amount paid.
 - o Informant number - no funds will be expended to informants until an Informant Identification Record has been filed (see Lexipol Policy 608 Confidential Informants) and a confidential number has been assigned.
 - o Purpose of expenditure, i.e., narcotic buy, purchase of stolen property, information received, etc.
 - o Case number(s).
 - o Persons arrested, amount of drugs and/or cash seized.
 - o The officer and officer witness sign receipt to verify informant received the funds.
 - o Submit all receipts to Uniformed Services commander for audit purposes.

609.6 REQUIRED REPORTING AND REPLENISHING OF SPECIAL INVESTIGATIONS FUND

- (a) The Budget Analyst will maintain a master ledger of the Special Investigations Fund to include cash requests by date and disbursements to the Investigations Division Commander. At the end of each quarter or whenever the cash on hand falls below a predetermined amount, the Investigations Division Commander will prepare a cash expenditure report. The report will include copies of the expenditure journal and all supporting receipts. A request to replenish the fund will be submitted to the Chief of Police for approval and then forwarded to the City Finance Department to establish the fund's operating level.

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Disbursement of Special Investigations Fund

- (b) The Investigations Division Commander will maintain an up-to-date expenditure ledger of funds received, disbursed, and on hand.
- (c) The Chief of Police or his/her designee will audit the Expenditure Journal, receipts and count on-hand funds quarterly with the Investigations Division Commander. After reconciling the expenditures the reviewing participants will sign the audit form.
- (d) A representative of the City's Finance Department will audit the Expenditure Journal and all supporting documents at the end of each fiscal year and will prepare a report of their findings.

Eyewitness Identification

610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

610.1.1 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.

610.2 POLICY

The West Sacramento 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.

610.3 INTERPRETIVE SERVICES

Members 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 member 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.

610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members 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 of the witness.

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- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the 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) An instruction to the eyewitness they should not feel compelled to make an identification.
- (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 certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
- (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.

610.5 EYEWITNESS IDENTIFICATION

Members 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.

Members 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.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

610.6 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.

610.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

610.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

610.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member 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 member 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 member 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.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

610.7.1 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 certain he/she is of the identification or non-identification. Members 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).

610.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

- (a) Obtain a complete description of the suspect from the witness.
- (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, members 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.
- (h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

Interview and Interrogations Rooms

611.1 PURPOSE AND SCOPE

Interview rooms are commonly used in the investigative process. In order to ensure the protection of Department personnel and the safety of the arrestee, witness, or victim, established guidelines for the use of interview rooms are necessary. Interview rooms will be used by Department members to either conduct custodial interviews of arrestees or non-custodial interviews of witnesses, victims or potential suspects. These rooms shall not be used as prisoner holding cells.

611.2 DESIGNATED INTERVIEW ROOMS

- (a) The Office of Criminal Investigations maintains two secured Interview/interrogation Rooms and is available to Department personnel and outside Law Enforcement agencies.
- (b) Interview Rooms 1 and 2 are accessible from both the main hallway or through the Office of Investigations.
- (c) The responsibility for the safety and security of persons brought into the interview room remains with the original officer, unless an investigator or supervisor relieves him/her.

611.3 WEAPONS CONTROL

- (a) Prior to conducting an interview/interrogation in one of the two designated interview rooms, Officers will secure firearms in a manner consistent with Policy Section 311.3.
- (b) Less than lethal weapons may be worn in any of the interview/interrogation rooms.

611.4 GENERAL SECURITY CONCERNS

- (a) In order to provide proper security officers will inspect the room before and after conducting an interview/interrogation. Officers should be alert to the contents of the room prior to utilizing it.
- (b) All suspects and potential suspects will be pat searched prior to entering the room. Pat searches of the opposite sex will be conducted in accordance with Department policy.
- (c) Only one (1) arrestee/prisoner at a time will be in the interview Room.
- (d) All arrestees/prisoners will be handcuffed prior to entry of the interview room. Handcuffs may be removed at the discretion of the officer/investigator conducting the interview.
- (e) While on officer is conducting any interview/interrogation, a second officer shall be present in the room or monitoring via closed circuit TV or one-way glass. If the interviewer needs assistance, he/she shall verbally and/or physically summon the officer monitoring the interview.

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- (f) The interview room is not a holding cell. If an arrestee/prisoner(adult or juvenile) is left alone in an interview room there must be constant monitoring of him/her at all times. The utilization of audio/visual equipment must be on and working prior to the officer exiting the room. An officer must be in close proximity to the room and be readily available to provide assistance, should they be summoned.

611.5 INTERVIEW/INTERROGATION ROOM GENERAL GUIDELINES

- (a) Items in the interview/interrogation rooms should be limited to a table and enough chairs to accommodate the individuals in the room. Any other items brought into the room shall be at the discretion of the officer/investigator conducting the interview.
- (b) The number of people present while conducting an interview/Interrogation should be kept to a minimum. Typically, this should be no more than two (2) officers/investigators and the person being interviewed. Special circumstances may require a parent, a guardian, or a legal representation. Ultimately, it will be up to the primary officer/investigator on a case-by-case basis to make the decision as to who may be present.
- (c) All individuals are afforded an opportunity to address their needs during an interview. It will be at the officer/investigator's discretion when a break will be conducted. All individuals being interviewed who wish to utilize the facilities (restrooms, water, etc.) shall be escorted by an officer/investigator at all times within the Police facility.
- (d) Only those officers/investigators who have received training in the use of the audio/visual equipment shall be allowed to utilize the recording equipment. Investigators have been trained in the use of audio/visual equipment and may be called upon to assist with its operation.

Brady Material Disclosure

612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Brady information -Information known or possessed by the West Sacramento Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 POLICY

The West Sacramento 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 West Sacramento 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.

612.3 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 a supervisor and/or 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.

Supervisors who are uncertain about whether evidence or facts are material 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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612.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member 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 member 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.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member 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.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

Asset Forfeiture

613.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

613.1.1 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 West Sacramento Police Department seizes property for forfeiture or when the West Sacramento 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 (Health 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 upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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- (b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):
 - 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.

613.2 POLICY

The West Sacramento Police Department, as a member of the Yolo County Law Enforcement Agency Coordinating Council (LEACC), in narcotics related investigations utilizes the Yolo County Narcotic Enforcement Team to pursue violation of the appropriately applied forfeiture laws as related to the seizure of money and certain property items, per MOU.

613.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

- (a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.
- (b) When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture detective in the YONET, for review.
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that Miranda warnings are given and waivers obtained before interviewing any person who is in custody.
- (d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
- (e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team.

613.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

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- (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.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

613.3.2 SEIZED CURRENCY

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor. The currency will be placed in a money envelope with the denomination of the currency, totals of each denomination and total amount of currency enclosed noted on the money envelope. The officer counting and supervisor verifying money will initial and sign the envelope when sealed. If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency. The currency will be booked into evidence on a single property form notating "subject to asset forfeiture" in the comments section of the property form.

613.3.3 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 supervisor 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.

613.4 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:

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- (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 as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture 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.

613.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section 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.

613.6 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:

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- (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.
- (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.

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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.
 - (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 (Health and Safety Code § 11469).
 - (l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health 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).

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Asset Forfeiture

613.7 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 (Health 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).

613.8 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).

Chapter 7 - Equipment

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, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

- (a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
- (e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

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.

The supervisor shall 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.

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 Finance Department.

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Department Owned and Personal Property

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.

Control Inventory and Maintenance of Agency-Owned Property

701.1 PURPOSE AND SCOPE

The West Sacramento Police Department controls expenditures and ensures the department's operational readiness through the inventory, maintenance, and management of department property and equipment.

701.2 CONTROL AND INVENTORY OF AGENCY OWNED PROPERTY

The Fleet/Equipment Manager assigned to the Uniformed Services Division maintains a record of all department equipment and vehicles assigned to the Department. The equipment inventory process is a City wide cooperative effort, as the final authority for City equipment is maintained by the Finance Department. The Department meets the guidelines established by the Finance Department relative to equipment acquisition and retention. The following information for such property is entered into the Police Department's equipment inventory data base:

- Type and description of the property
 - Property number (Asset Tag Number.)
 - Office, Division, Section or unit responsible for the property
 - Location of the property
 - Manufacturers' name
 - Serial number
 - Quantity
 - Condition of the property
 - Estimate of value
 - Date of acquisition
 - Date of disposal, if applicable
- (a) The City of West Sacramento, under the control and tracking of the Finance Department, maintains title to, and inventories all vehicles assigned for Police Department's use. The Fleet/Equipment Manager maintains records on all Police Department vehicles and documents the ongoing maintenance of these vehicles.
- (b) Department property must remain in a state of operational readiness at all times. Maintenance and inspection of any specialized equipment assigned to specific units and teams (SWAT, Motors, Bike Uniformed Services, K-9, and Boating Program) shall be the responsibility of the Sergeant assigned to the team. SWAT equipment shall be inspected and documented by the SWAT sergeant during one of the bi-monthly training sessions.

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Control Inventory and Maintenance of Agency-Owned Property

- (c) Other specialized equipment, that is used on a routine basis (as with the other specialized units and teams) shall be maintained by the officer assigned the equipment and he/she shall notify the sergeant when any issued equipment needs repair.
- (d) When an employee wants to transfer or dispose of Department property he/she is responsible for, he/she sends a written notice to the Fleet/Equipment Manager including the items' Asset number. When it is necessary to dispose of surplus and obsolete property, the Fleet/Equipment Manager seeks the approval of the Chief of Police before disposal occurs. The City of West Sacramento Administrative Policy manual contains the procedures that all City departments must follow regarding disposing of agency property.
- (e) Annually, the Office Commanders and the Fleet/Equipment Manager conduct a joint inventory and inspection of all property and equipment under department control. After the inventory and inspection, the Office Commander generates a report listing the findings. Copies of the report are provided to the Chief of Police.
- (f) The City of West Sacramento Finance Department maintains an inventory of all property assigned to the Police Department.
- (g) To maintain proper key control and record keeping, when an employee receives a transfer or reassignment of duties within the Police Department, it is the employee's responsibility to report to the Fleet/Equipment Manager for a review of his key/card access needs. All keys not relating to the specific assignment must be surrendered.
- (h) The Sergeant assigned to the SWAT shall maintain an inventory of all tactical and chemical weapons issued to the team. It shall be the responsibility of the sergeant, reporting to the SWAT Lieutenant to ensure the equipment is maintained in a state of readiness and that it is inspected at least quarterly.
- (i) Firearms maintained by the Department that have not been issued to an officer are to be stored in the armory and tracked by the Range Master, pending assignment to an officer.
- (j) The Fleet/Equipment Manager is responsible for issuing department equipment. An "Equipment Inventory" checklist/form is completed for each employee. The employee must initial and date next to each item they receive from the Fleet/Equipment Manager.

701.3 REQUISITION OF SUPPLIES AND AGENCY OWNED PROPERTY

The Fleet/Equipment Manager is responsible for keeping the following items in stock and available for Police Department personnel:

- Leather gear (duty belt, keepers, handcuff holders, etc.)
- Report forms
- Portable radios
- Digital Recorders

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Control Inventory and Maintenance of Agency-Owned Property

- Keys
 - Patches
 - Cameras
 - Flashlights
 - Miscellaneous disposable items
 - Uniform Traffic Ticket form books
- (a) Personnel may requisition a stock item from the Property Storage Room by preparing a memo to their respective supervisor with a reason for needing the item. Once approved, the memo request will be submitted to the Fleet/Equipment Manager.
- (b) As outlined in this Order, employees are directed to request equipment replacement or initial acquisition through his/her immediate supervisor who will then coordinate the process through the Fleet/Equipment Manager assigned to Office of Operations. The Fleet/Equipment Manager will complete the required documentation to ensure the inventory tracking requirements are maintained.

701.4 OPERATIONAL READINESS OF AGENCY OWNED PROPERTY

The Fleet/Equipment Manager is responsible for maintaining Department equipment in storage and ensuring the equipment is kept in a state of operational readiness. Maintenance of this equipment includes:

- Care and cleaning
- Preventive maintenance
- Operational and is responsive
- Repairing, if necessary

Offices, Divisions, Sections and Units are responsible for maintaining equipment under their control. These items include radar units, portable radios, shotguns, cameras, and surveillance equipment.

The Police Department has service agreements with various companies for the maintenance and repair of specific equipment. When an employee needs to have repairs made to issue equipment and there is no service provider for the equipment, a written request for repair or replacement is completed and forwarded to the supervisor.

Personal Communication Devices

702.1 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.

702.2 POLICY

The West Sacramento Police Department allows members 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, members 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 member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members 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 City Administrative Cell Phone Use Policy (V-A-5) and Information Technology Use Policy for additional guidance).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member 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).

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702.4 DEPARTMENT-ISSUED PCD

Depending on a member'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 a member 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.

702.5 PERSONALLY OWNED PCD

Members 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 member's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members 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.
 - 1. Members 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, members 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 a member's personally owned PCD should be transferred to the West Sacramento Police Department and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

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Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member 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 member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members 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.

702.6 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 shall 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). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (d) Members 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.
- (e) Members 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) Members will 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 member having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

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- (a) Ensuring that members 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 a member 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 a member's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 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.

Members 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.

702.9 CELL PHONE STIPENDS

Employees holding positions that require a communication device for job related reasons, such as on-call rotations, will be receive a department-issued PCD. The employee who holds the position of Assistant the the Chief of Police and the Fleet and Facilities Analyst will receive a stipend for the use of their PCD in conjunction with being available for emergency response.

702.10 OFFICIAL USE

Members 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, members shall conduct sensitive or private communications on a land-based or other department communications network.

Purchasing

703.1 PURPOSE AND SCOPE

The West Sacramento Police Department requisitions and purchases Department equipment, supplies and services according to City of West Sacramento Administrative Policy IV-B-1, Purchasing. To comply with city purchasing policies and procedures, employees must follow the guidelines of this chapter.

703.2 REQUISITION AND PURCHASE REQUIREMENTS

City of West Sacramento Administrative Policy IV-B-1 specifies the procedures necessary for the requisition and purchase of agency equipment, supplies, and services. The manual contains information in detail concerning:

- Solicitation Requirements
- Requisition Procedure
- Purchase Orders
- Disbursement of City Funds
- Public Project Administration
- Petty Cash Procedures
- Year End Procedure
- Pre-approved Vendors
- Sales Tax Considerations
- Travel Reimbursement
- Meal Reimbursement
- Use of Credit Cards
- Purchasing Vehicles Through State Contract

703.3 DEPARTMENT PURCHASING POLICY

- (a) The Chief of Police acts as the Purchasing Agent for the Police Department and is responsible for the proper administration of the budget and adherence to the city's purchasing policy.
- (b) The Chief of Police or his/her designee is responsible for overall administration and monitoring of departmental expenditures.

703.4 PURCHASE PROCEDURES

The City Administrative Policy Manual at IV-B-1 outlines the policies and procedures for all City purchases. Supervisors and managers are required to comply with the procedures outlined in

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this administrative policy statement without exception. The Budget Coordinator shall approve purchases up to \$3,500. Items over \$3,500 shall be routed to the Chief of Police for approval.

When an employee wants to a purchase an item or items \$25 or over, he/she must complete a Requisition/Solicitation form and submit it to the Facility/Equipment Manager for review and approval.

- Name of the vendor.
- Purchase request date.
- Description of item or items.
- Cost of the item.
- Shipping or handling costs, if applicable.
- Correct Object Code.
- Signature of Authorized Supervisor.

Specifying who is to make the order after receipt of the purchase order number. (This prevents duplication in purchasing.)

If the item costs \$501-\$3,500 the purchaser must comply with Section C (3) of Administrative Policy IV-B-1, also known as Rule of Three prior to initiating the purchase order request for the item. Any questions regarding this process shall be referred to the Budget Coordinator.

When the Accounts Payable Clerk receives the Requisition/Solicitation request, a Purchase Order is generated. In some instances, the purchase order is returned to the originator for placement of the requested item(s). The Facility/Equipment Manager is responsible for ordering specialty equipment and supplies.

Upon receipt of the item(s), the packing slip is given to the Accounts Payable clerk. After the billing invoice is received, the purchase order is processed and routed to the City's Finance Department for payment.

703.5 EMERGENCY PURCHASE PROCEDURE

The Chief of Police limits emergency requests only to circumstances not foreseeable during prior fiscal planning efforts, such as overtime expenditures resulting from a civil disturbance or the special circumstance. Mechanisms of adjustment may include transferring funds from one account to another or requesting additional funding for agency needs. The City Manager, with input and counsel from the Director of Finance, shall approve emergency purchases and transfers

703.6 BID REQUIREMENTS INCLUDING CUMULATIVE PURCHASES OVER \$501

The Administrative Policy Manual at IV-B-1 at Section C and D outlines the procedures for these purchases. These procedures must be followed at all times.

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703.7 INSPECTION, TESTING AND RECEIVING PURCHASES

- (a) The Chief of Police requires that the responsible supervisor or manager inspect all purchases. Testing and inspection of purchases is desirable to prevent loss to the agency. When personnel receive shipment of any item, they must check the item against a purchase order to confirm the quality, quantity, specifications and that the item is free from damage. After the inspection, the receiving personnel sign the invoice or packing slip indicating receipt of the shipment. Personnel must note any variation in quantity on the invoice or packing slip and immediately notify the Facility/Equipment Manager.
- (b) If the items are not in conformity to the specifications and are not acceptable, the Facility/Equipment Manager shall refuse to accept the shipment. The Facility/Equipment Manager will coordinate replacement or take other corrective action as appropriate.

Vehicle Maintenance

704.1 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.

704.1.1 PATROL VEHICLE MARKINGS

All West Sacramento Police Department patrol and traffic vehicles have conspicuous markings that identify the agency's name " West Sacramento Police" on each side of the vehicle and the vehicle number, which is located on the roof, each front quarter panel and trunk area.

All patrol vehicles shall be equipped with the following:

- Red, blue and/or white roof mounted emergency light bar
- Siren
- Two-way mobile Radio
- Public Address Speaker
- Takedown lights
- Alley Lights
- Two hand-operated directional exterior spotlights
- A combination locking shotgun & AR-15 gun rack
- Optional equipment in 4 vehicles include Lo Jack system
- One vehicle equipped with infrared system

All traffic vehicles not equipped with a roof mounted light bar, shall have a fixed interior window mounted red and blue emergency light system, rear mounted amber arrow stick bar with a red and blue fixed/flashing lights.

Additional equipment shall include:

- Siren
- Two-way mobile radio
- Public address speaker
- Two hand-operated directional exterior spotlights
- A combination locking shotgun & AR-15 gun rack
- Forward and rear radar systems

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Vehicle Maintenance

704.1.2 REPLACEMENT AND ACQUISITION OF EQUIPMENT AND SUPPLIES

- (a) Every employee shall inspect his/her assigned police vehicle at the beginning of his/her shift or prior to the vehicle's use, and at the end of his/her shift. The inspection shall include an inventory of equipment (if applicable), unreported damage, and the observation of any contraband/evidentiary item(s) left in the vehicle.
- (b) Officers shall note on the "Equipment Replacement Request" form any supplies in need of replacement. The "Equipment Replacement Request" form will be given to the on duty Patrol Sergeant, who will provide replacement supplies prior to, or at the end of shift.
- (c) Vehicle emergency equipment that requires repair or service shall be reported on the "Vehicle Repair Request" form and submitted to the on-duty Patrol Sergeant. The Patrol Sergeant will review and approve the repairs and forward the "Vehicle Repair Request" form to the Facility/Equipment Manager for repair or replacement.
- (d) If an employee discovers unreported damage to a vehicle, the damage will be documented on an intra-departmental memorandum directed to the Division Commander. The on-duty Patrol Sergeant will verify the damage, take photographs, and attempt to identify the responsible person and take appropriate action to correct the problem. The supervisory action must be documented appropriately.
- (e) If contraband or other item of evidence is located in the vehicle, the on-duty Patrol Sergeant will be notified immediately. The employee will complete an "Incident Report" that details the circumstances of the discovery. The employee will book the item into the Property and Evidence room along with a completed evidence form.

704.2 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.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 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.

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704.2.3 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.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 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
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

704.3.2 UNMARKED VEHICLES

An employee driving assigned 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
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest

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- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

704.3.3 SPECIAL PURPOSE VEHICLES

Special purpose vehicles maintained by the Police Department will be utilized and operated as follow:

- Crime Scene Vehicles** ;“ Crime Scene Vehicles have equipment that meets the special requirements of the Crime Scene Investigators. Only Crime Scene Investigators shall operate the Crime Scene Vehicles. Use for any other purpose requires supervisory approval. Crime Scene Investigators use these vehicles for response to crime scenes requiring collection and preservation of physical evidence. The operation of these vehicles requires no special qualifications and/or training beyond a valid California Drivers License. Special equipment, (besides standard patrol equipment), is determined by the individual Crime Scene Investigator.
- Canine Unit Vehicles** - Canine Unit Vehicles have equipment that meets the special requirements of officers using canines. Only officers working as canine handlers operate Canine Unit Vehicles. Canine handlers use these vehicles for routine patrol and in response to calls requiring the use of the canine. Use for any other purpose requires supervisory approval. The operation of Canine Unit Vehicles requires no special qualifications and/or training beyond a valid California Drivers License. Canine Officers will complete a 160 hour Canine handler's course along with their canine partner. Special equipment (besides standard patrol equipment), is determined by the individual canine officer. Additionally, Canine Unit personnel are responsible for the care and control of their animals and training equipment.
- S.W.A.T. Van and the Armored Rescue Vehicles** ;“ This vehicle has equipment that meets the special requirements of officers working as SWAT Team members. Only officers working on SWAT Team operations may operate the vehicles. Use for any other purpose requires supervisory approval. SWAT Team members use these vehicles for response to hostage situations, barricaded subjects and other special operations functions. The operation of the SWAT Team Truck and Armored Rescue vehicle requires no special qualifications and/or training beyond a valid California Drivers License. The SWAT Commander determines special equipment for these vehicles.
- Prisoner Transportation Van** - Prisoner Transport vehicles are for the transportation of prisoners to the police station or County Jail. The primary purpose of this vehicle is for prisoner transportation, with some cargo hauling or special purpose needs, as necessary. The Prisoner transportation van is not for routine patrol applications. Use of this vehicle for other than routine assignments requires supervisory approval.

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Operation of the Prisoner Transportation Van requires no special qualifications and/or training other than a valid California Drivers License. This vehicle has extra prisoner restraints and a first aid kit, besides other routine equipment.

- (e) **Police Uniformed Services Bicycles** - Police Uniformed Services Bicycles have equipment that meets the special requirements of officers working as uniform Bicycle Uniformed Services Officers. Only officers working as Bicycle Uniformed Services Officers are authorized to operate the patrol bicycles. Use for any other purpose requires supervisory approval. Officers may use the patrol bicycles to perform daily patrol duties, during special events, and other special operations functions. Officers must complete a Police Bicycle Uniformed Services training certification course before operating the patrol bicycles. Bicycle Uniformed Services Officers are responsible for the general condition and maintenance of the patrol bicycle. These vehicles have special safety and emergency repair equipment besides other routine equipment.
- (f) **Police Motorcycles** - Police motorcycles have equipment that meets the special requirements of officers working as uniform Traffic Enforcement Officers. Only officers working as Traffic Enforcement Officers are authorized to operate the motorcycles. Use for any other purpose requires supervisory approval. Traffic Enforcement Officers may use the motorcycles to perform their daily enforcement duties, during special events, and other special operations functions. Traffic Enforcement Officers must complete a Police motorcycle training certification course before operating the motorcycle. Traffic Enforcement Officers are responsible for the general condition and maintenance of their assigned motorcycle. Operation of the Police motorcycle requires special qualifications and training, and a valid class CM-1 California Drivers License. These vehicles have special safety and emergency repair equipment besides other routine equipment.
- (g) **Watercraft**- Police boat patrol vessel has equipment that meets the special requirements of officers working as Boating Safety Officers. Only officers working as Boating Safety Officers are authorized to operate the patrol boat. Use for any other purpose requires supervisory approval. Boating Safety Officers may use the boat for regular water patrol, search and rescue, flood evacuations and other operations as deemed appropriate. Boating Safety Officers must complete an approved Boating Safety Operators training certification course before operating the patrol boat. Boating safety Officers are responsible for the general condition and maintenance of the police boat. Boating Safety Officers are required to possess a valid California Drivers License.
- (h) **Commercial Enforcement Vehicle** ,“ This vehicle has equipment that meets the special requirements of officers assigned to the Commercial Enforcement Unit. The primary purpose of this vehicle is to ensure commercial vehicles utilize designated truck routes when operating within the city, conduct roadside inspection, weight enforcement, as well as being responsible for conducting "post-crash" inspections

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of commercial vehicles to determine "pre-crash" conditions that may have been a contributing factor to the accident. Use of this vehicle for other than its primary purpose requires supervisory approval. Driving the Commercial Vehicle requires a valid California Drivers License. This vehicle has special equipment that requires special training to operate.

Supervisors of the units having special-purpose vehicles are responsible for the maintenance, condition and inspections of the vehicles and their special equipment.

Decisions regarding safety of the operation of any vehicle is the responsibility of the operator.

The Facility/Equipment Manager will be responsible for ensuring that all Department vehicles and equipment remain in a state of constant readiness and serviceability.

Supervisors of the units having special-purpose vehicles are responsible for ensuring any special equipment needed by the officers assigned to the unit(s) is available and in working order. Due to the unique nature and use of these vehicles, officers and supervisors will work together to establish what equipment is needed in the unit, no pre-determined list will be established through the General Order.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

704.5 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.

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.

704.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the "out of service" placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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706.1 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 West Sacramento to provide assigned take-home vehicles.

706.2 POLICY

The West Sacramento 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.

706.2.1 AUTHORIZED PASSENGERS

Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be transported in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle by the employees supervisor.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster.

706.3.2 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.

706.3.3 INSPECTIONS

Members 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 a member of this department should be inspected prior to placing another person in the vehicle and again after

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the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 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.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDT

Members 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 member shall notify Yolo Emergency Communications Agency. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

706.3.6 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, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member 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.

706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

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Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

706.3.8 AUTHORIZED PASSENGERS

Members 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.

706.3.9 ALCOHOL

Members 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, members may not violate state law regarding vehicle operation while intoxicated.

706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members 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.

706.3.11 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.

706.3.12 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members 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 member is unable to perform the member's regular assignment.

706.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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706.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor 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 member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the West Sacramento City limits.
- (d) Off-street parking will be available at the member'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.

706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of West Sacramento is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of West Sacramento may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members 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 member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member'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 member to and from the member's residence for work-related purposes.
- (c) Vehicles will not be used when off-duty except:
 - 1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.

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2. When the member 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 member 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 members who are in on-call administrative positions.
 5. When the vehicle is being used by on-call investigators.
- (d) While operating the vehicle, authorized members 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 member'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 member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.
- (i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the West Sacramento Police Department or while off-duty, an officer shall not initiate enforcement actions except in 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).

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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.

706.4.5 MAINTENANCE

Members 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) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that the 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 member will complete a vehicle repair card 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 members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. 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.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member 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 format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

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706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) Members 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. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.
- (b) Members 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.

706.8 PARKING CITATIONS

Should a City owned or leased vehicle receive a parking citation, the driver of that vehicle shall be responsible to make timely payment of any related fine(s). A memorandum

706.9 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members 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.

Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members 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.

707.2 POLICY

It is the policy of the West Sacramento 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.

707.3 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.

The department has two petty cash funds. The first petty cash fund is located at the front counter in the Records Department and is primarily used for fees associated with vehicle releases, impounded vehicles, parking citations, subpoenas, fingerprinting and report requests. The Records Supervisor is the designated Fund Manager for the front counter petty cash fund. The second petty cash fund is an Administration fund that is primarily used for employee reimbursement for small equipment purchases or event supplies. The Fleet and Facilities/Traffic Secretary will be the designated Fund Manager for the Administrative petty cash fund.

707.4 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.

707.5 PETTY CASH AUDITS

The fund manager shall perform an audit quarterly. This audit requires that the fund manager and the Finance Analyst review the transaction ledger and verify the accuracy of the accounting. The fund manager and the Finance Analyst shall 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. The audit findings will be forwarded to the Chief of Police.

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Transference of fund management to another member 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 City.

707.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

707.7 OTHER CASH HANDLING

Members 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 member 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 \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

Agency Forms

708.1 PURPOSE AND SCOPE

The purpose of this procedure is to describe the process for following proper guidelines to ensure all forms are current and updated.

708.2 FORMS CREATION AND CHANGE PROCESS

All employees are encouraged to recommend new forms or changes to existing forms when they believe the result of such action will lead to a more efficient or effective manner in which we conduct business. Recommendations are made to the Office of the Chief via the employee's chain of command. When a new form is proposed, or an existing one needs updating the following protocol is followed:

- (a) The form is circulated to concerned or related employees for their input;
- (b) The form is forwarded to the Chief of Police, via the chain of command for input and approval;
- (c) Upon approval, the changes are sent to the Records Supervisor and the form is either produced or redone in-house; or sent to an outside printer for updating;
- (d) When the form goes into circulation the Records Supervisor sends out a memo indicating the introduction of, or changes to the form;
- (e) The memo further requests the destruction of all former versions of the form;
- (f) The Records Supervisor maintains a Forms Book; including a copy of the new or updated form in this book for control purposes.

Military and Other Specifically Identified Equipment- Approval and Reporting

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military and other specifically identified equipment defined under Government Code § 7070; Government Code § 7071; Government Code § 7072.

709.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

The following definitions shall apply to this policy.

"City" means the City of West Sacramento.

"City Council" means the City Council of the City of West Sacramento, which is the Governing Body of the City, including the Police Department.

"Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

"Governing Body" means the elected body that oversees a law enforcement agency.

"Law Enforcement Agency" means any of the following:

1. A police department, including the police department of a transit agency, school district, or any campus of the University of California, the California State University, or California Community Colleges.
2. A sheriff's department.
3. A district attorney's office.
4. A county probation department.

"Military Equipment" means the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.

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5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Specialized firearms and ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by the City Council to require additional oversight.
16. Notwithstanding the above, "military equipment" shall not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

"Military Equipment Use Policy" means this policy, a publicly released, written document governing the use of military equipment by a law enforcement agency or a state agency that addresses, at a minimum, all of the following:

1. A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
3. The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee

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of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.

6. The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

"Police Chief" means the Chief of Police to the City of West Sacramento Police Department.

"Police Department" and "Department" mean the City of West Sacramento Police Department, which is the Law Enforcement Agency to the City.

"State agency" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

"Type" means each item that shares the same manufacturer model number.

709.2 POLICY

It is the policy of the West Sacramento Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military and other specifically identified equipment.

709.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police shall designate a Military Equipment Coordinator. The Military Equipment Coordinator's responsibilities shall include, but are not limited to:

- (a) Identifying Military Equipment that requires City Council approval for use, acquisition, collaboration, or seeking of funding.
- (b) Conducting an inventory of all Military Equipment at least annually.
- (c) Collaborating with any agency that may use military equipment within the City (Government Code § 7071).
- (d) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Preparing the annual military equipment report for submission to the Police Chief and ensuring that the report is made available on the Department's website (Government Code § 7072).
 2. Preparing for public questions regarding the funding, acquisition, and use of equipment.
 3. Publicizing the details of the meeting.

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709.4 IDENTIFIED MILITARY EQUIPMENT INVENTORY

All Military Equipment kept and maintained by the Department shall be inventoried in a way that addresses each of the following requirements:

- (a) The manufacturer's description of the equipment.
- (b) The capabilities of the equipment.
- (c) The purposes and authorized uses for which the Department proposes to use the equipment.
- (d) The expected lifespan of the equipment.
- (e) The fiscal impact of the equipment, both initially and for on-going maintenance.
- (f) The quantity of the equipment, whether maintained or sought.

An inventory of the Department's qualifying Military Equipment, titled "Military Equipment List," is attached to this policy as **EXHIBIT A** and incorporated herein by reference.

[See attachment: Military Equipment List.pdf](#)

709.5 CITY COUNCIL APPROVAL

The Police Chief shall obtain City Council approval by way of an ordinance adopting the Military Equipment Policy. As part of the approval process, the Police Chief shall ensure the proposed Policy is submitted to the City Council and is available on the Department's website at least 30 days prior to any public hearing concerning the Military Equipment at issue (Government Code § 7071). The Policy must be approved by the City Council prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within West Sacramento.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

709.6 AGENCY COLLABORATION

Use of Military Equipment by any member of the West Sacramento Police Department shall be in accordance with this Policy. Use of Military Equipment by members of any Law Enforcement

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Military and Other Specifically Identified Equipment- Approval and Reporting

Agency, or other agency, providing mutual aid to the City shall be in accordance with the respective agency's adopted Military Equipment Use Policy as well as other policies adopted by any party or parties regarding mutual aid.

The West Sacramento Police Department participates with the Yolo County Regional SWAT Team and works closely with local, county, state, and federal public safety partners. During Exigent Circumstances, and with the approval of the Chief of Police, or his or her designee, Military Equipment may be deployed within the City from such public safety partners to promote the safety and security of residents, guests, businesses, and other community members.

709.7 COMPLIANCE

Military Equipment shall only be used by a Department member after applicable training, including any course required by the Commission on Peace Officer Standards and Training, has been completed, unless Exigent Circumstances arise.

Reporting, investigation, and any disciplinary action including termination, if merited, of alleged violations of this Policy shall be handled through the Department's standard disciplinary procedures.

The City Council and Department recognize that critical incidents are unpredictable and can be very dynamic in nature. A variety of military equipment options can greatly assist Incident Commanders, Officers, and specific units in bringing those incidents to a swift resolution in a safe manner. The use of military equipment is restricted for use only in certain instances and in some cases only by certain units/teams. While this procedure is wide-ranging, it is not all-inclusive. There may be instances wherein Exigent Circumstances demand the need for Incident Commanders to authorize military equipment to be used in a manner not outlined within this policy. In scrutinizing those particular instances, the judgment of the Incident Commander influenced by the totality of the circumstances, public safety, officer safety, civil rights, and information available at the time will be used.

It is incumbent upon Incident Commanders, Supervisors, individual Officers, and specific units/teams to recognize the particular circumstances wherein military equipment should be employed to enhance the safety of the public and officers, and to bring a critical incident to a safe resolution.

Department members are bound to adhere to Department Policy, in addition to State and local laws and ordinances when employing the use of Military Equipment at any time.

Any member of the public can register a question or concern regarding military use equipment by contacting the Police Department. A response to the question or concern shall be completed by the Department in a timely manner.

709.8 ANNUAL REPORT

Upon approval of the Policy, the Chief of Police, or his or her authorized designee, shall submit a military equipment report to the City Council within one year, and annually thereafter for as long as the Military Equipment is available for use (Government Code § 7072).

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Military and Other Specifically Identified Equipment- Approval and Reporting

The Chief of Police, or his or her the authorized designee, shall make each annual military equipment report publicly available on the Department website for as long as the Military Equipment is available for use in the City. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of Military Equipment in the Department inventory.

709.9 SUPPLY LEVELS

The City Council expressly permits the Police Department to maintain the stock of approved Military Equipment in this Policy, as may be updated from time to time, including acquiring or replacing reasonable amounts of ammunition, parts, and replacements. The Chief of Police is expressly authorized to make purchases in accordance with this permission. The Chief of Police, or his or her designee, shall report to the City Council all purchases subject to this Policy of these purchases at least every six months.

Chapter 8 - Support Services

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.

Crime Analysis information is integral to the office of the Chief of Police and all department personnel. It is disseminated in the following manner:

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- (a) Weekly Compstat Meetings
- (b) Monthly Reports
- (c) Annual Goal Assessment
- (d) Other reports as requested

Juvenile Operations

801.1 PURPOSE AND SCOPE

This policy is to establish guidelines and operational procedures for the department regarding aspects of preventing and combating juvenile delinquency.

801.2 RESPONSIBILITY OF DEPARTMENT MEMBERS

The West Sacramento Police Department recognizes the importance of preventing and combating juvenile delinquency. The department also further recognizes that traditional methods for dealing with juvenile offenders need to be supplemented. To meet its commitment to provide exceptional services to the community, the department participates in preventive programs and actions designed to prevent young people from developing criminal tendencies.

Officers have a wide range of alternatives they may employ when dealing with juvenile offenders from warnings to intake. It is the policy of the West Sacramento Police Department to implement problem-solving strategies through positive programs that deal with delinquency and youth crime.

All employees share in the responsibility for participating in and supporting the juvenile operations function to ensure that the appropriate action is taken in all cases where juveniles come to the attention of the department. All sworn personnel will maintain a working knowledge of the California Welfare and Institutions Code concerning the handling of juveniles and familiarize themselves with the various support programs the Juvenile Court uses. Each officer assists, as applicable, in the design and implementation of programs intended to prevent and control delinquent and criminal behavior by juveniles.

An annual review and written evaluation of juvenile operations will be conducted and included in the Department's Annual Report. This report will be reviewed and approved by the Chief of Police, or his/her designee, and will include all enforcement and prevention programs relating to juveniles.

801.3 SCHOOL RESOURCE OFFICERS

The West Sacramento Police Department recognizes the importance of having employees who are specially trained regarding the Juvenile Justice System. The School Resource Officers (SRO's) serve as the department's juvenile specialists. The SRO's assist in the development and implementation of delinquency prevention programs and act as the liaison between the department, schools, and other components of the Juvenile Justice System. This relationship ensures the department's juvenile policies and procedures are consistent with best practice and industry standards.

801.3.1 OUTSIDE COMMENT AND INPUT ON JUVENILE POLICIES

The School Resource Officer acts as a liaison between the police department and other juvenile agencies within Yolo County. The School Resource Officer will encourage other agencies to review and comment on policies pertaining to juveniles. This activity may be formal or informal as the opportunity becomes available. The SRO is responsible to submit comments through the chain of command. The Police Department will also submit any policy changes regarding juveniles to

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the Yolo County Superior Court for review and input. The West Sacramento Police Department also seeks input on current juvenile policies from the Court System. Annually, or after an update, our Juvenile Policies are forwarded to the Yolo County Superior Court Judge who oversees the Juvenile Division asking for input or feedback pertaining to our policy. This helps to ensure a collaborative effort between our department and other Yolo County agencies.

801.4 YOUTH COUNSELOR / JUVENILE DIVERSION

The Youth Counselor for the West Sacramento Police Department is an integral part of our Youth Diversion efforts. The Youth Counselor conducts interviews and counsels juveniles and their families to determine a course of action and evaluate services that may be needed. This position works directly with juveniles who have been arrested to determine whether they are eligible for the Diversion Program or probation. Files are also maintained on each juvenile that are complete and accurate. These files are stored in a locked file cabinet within the Investigations Division. The Youth Counselor acts as a liaison between the Police Department and other agencies to identify delinquent youth and youth gangs to determine appropriate intervention and prevention techniques. The position is also a representative for the Police Department and youth services within the community and participates in planning efforts for youth diversion programs with agencies to include the Washington Unified School District.

Property and Evidence

804.1 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.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 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 along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

- (a) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
- (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.

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- (d) Place the case number in the upper right hand corner of the bag.
- (e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- (f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and detectives. The remaining copy will be detached and submitted with the case report.

804.3.3 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. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 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 prior to booking.
- (b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Evidence Technician, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is 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 Evidence Technician, or placed in the bicycle storage area until a Property Evidence Technician can log the property.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Watch Commander shall be contacted for cash in excess of \$1,000 for special handling procedures.

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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.

804.3.5 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 30 days, 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 Evidence Technician shall ensure the Records Manager 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 Section Policy).

804.4 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) Property with more than one known owner
- (d) Paraphernalia as described in Health and Safety Code § 11364
- (e) Fireworks
- (f) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife tubes should be used to package knives, and syringe tubes should be used to package syringes and needles. Handguns shall be booked and secured in a gun box.

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A barcode label(s) shall be securely attached to the outside of all items or group of items packaged together.

804.4.2 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 the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

804.5 RECORDING OF PROPERTY

The Property Evidence Technician receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the West Sacramento Police Department shall be noted in the property logbook.

804.6 PROPERTY CONTROL

Each time the Property Evidence Technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property Evidence Technician at least one day prior to the court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, a chain of custody report shall be completed to maintain the chain of evidence. No property or evidence is to be released without first receiving authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be submitted to the property/evidence technician via email. This request may be submitted any time after booking of the property or evidence.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the barcode chain of custody and the request for laboratory analysis (if required).

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The Property Evidence Technician releasing the evidence must complete the required information on the barcode chain of custody and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will have the receiving party sign and date the chain of custody form and the submittal form. The original copy of the lab form will remain with the evidence and the copy will be returned to the Property Section for filing with the original property report.

804.6.3 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 on the property control card, stating the date, time and to whom released.

The Property Evidence Technician shall obtain the signature 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 on the property control card, indicating date, time, and the person who returned the property.

804.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 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 release form, 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 and property held for safekeeping shall be held for a minimum of 90 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 Evidence Technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the

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person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition 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 Property and Evidence Section Supervisor should also make 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, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

804.6.6 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)).

804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Detective Bureau 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.

804.6.8 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 or ammunition, the Property Evidence Technician shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition 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).

804.6.9 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:

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- (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.

804.6.10 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 West Sacramento 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.

804.6.11 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.

804.7 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 Evidence Technician shall request a disposition or status on all property which has been

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held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 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.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

804.7.2 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).

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.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section 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

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- (b) The defendant's attorney
- (c) The appropriate prosecutor and Attorney General
- (d) Any sexual assault victim
- (e) The Investigation Division supervisor

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 Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time 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 Investigation Division supervisor.

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 Investigation Division supervisor should 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).

804.8 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.

Records Section

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the West Sacramento Police Department Records Section. The policy addresses department file access and internal requests for case reports.

806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Section by Records Section personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

806.2 FILE ACCESS AND SECURITY

All reports including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Section accessible only to authorized Records Section personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Watch Commander.

West Sacramento Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

It is the policy of the West Sacramento Police Department to maintain department records securely, professionally, and efficiently.

806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Manager. All original reports removed from the Records Section shall be recorded on the Report Check-Out Log which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

806.3 REQUISITION OF SUPPLIES

All personnel who are in need of supplies shall complete a Requisition of Supplies form available in the Records Section. The form shall be approved by a supervisor and submitted to the Supply Clerk in the Records Section.

Only Records Section personnel shall issue supplies from the supply room, and no supplies will be provided without a Requisition of Supplies form.

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806.3.1 RECORDS MANAGER

The Chief of Police shall appoint and delegate certain responsibilities to the Records Supervisor . The Records Supervisor shall be directly responsible to the Investigations Division Commander or the authorized designee.

The responsibilities of the Records Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.
- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include, but are not limited to:
 1. Homicides.
 2. Cases involving department members or public officials.
 3. Any case where restricted access is prudent.

806.3.2 RECORDS SECTION

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:
 1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
 2. Suspected hate crimes (Penal Code § 13023).
 3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).

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4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
 - (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).
- (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).
- (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).
- (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

806.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the West Sacramento 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 Administration Supervisor. The Administration Supervisor 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 Administration Supervisor should forward the petition to the Detective Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Detective Bureau Supervisor and the Administration Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administration Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

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The Administration Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.5 ITINERANT VENDOR BUSINESS LICENSE APPLICATION PROCESSING

806.5.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines for performing background investigations authorized by West Sacramento Municipal Code section 5.04.230(A) for the licensing of traveling merchants, hawkers, peddlers, itinerant vendors or taxicab drivers ("vendors") pursuant to West Sacramento Municipal Code section 5.04.220.

West Sacramento Municipal Code sections 5.04.220 and 5.04.230(A) direct the business licensing officer to refer vendor license applications to the Police Chief and other City department officials for "investigations as they deem appropriate to be made of the facts in the application and of the activity for which the application is made, who shall make a report thereon to the business licensing officer." (West Sacramento Municipal Code § 5.04.230(A).) The intent of this policy is to create a standardized scope of investigations and background criteria for the Police Department's evaluation of vendor license applications.

806.5.2 PROCEDURE

Upon receipt of a vendor license application, the Police Chief or his or her designee shall:

- (a) Review the application and verify the name, address, phone number, driver's license number, and other factual information provided in the application. The verified information shall be stored in an electronic format by the Police Department for a period of four (4) years for the purpose of investigating any future claims of criminal conduct against a vendor in the license area(s).
- (b) The Police Chief or his or her designee shall perform a CLETS background check on vendor applicants. The following findings shall result in a Police Department recommendation to deny the license application:
 - i. That the vendor applicant has an existing warrant that cannot be cleared by written citation or arrest; or
 - ii. If the vendor applicant has been convicted within the ten (10) years preceding the application date, of any of the following categories of offenses:
 - (1) Fraud;
 - (2) Homicide, assault, or battery;
 - (3) Any crime requiring registration pursuant to California Penal Code section 290, et seq.

The Police Chief or his or her designee shall provide the Business Licensing Officer with a Police Department recommendation to permit or deny the application based on the background check

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within seven (7) days of receipt of the application. Such time may be extended by the mutual agreement of the Business Licensing Officer and the Police Chief or his or her designee.

806.6 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Uniformed Services 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.

806.7 FILE ACCESS AND SECURITY

The security of files in the Records Section 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 Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.8 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section 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 Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

806.9 MEDIA DISPOSAL, TRANSPORTATION, AND STORAGE

Printed material may be placed in Confidential Destroy boxes and subsequently destroyed by a contracted vendor. Some units have their own shredders that they may use. "Strip cut" shredder are not to be used for CJI or other confidential data

Electronic records on decommissioned servers or other storage devices are to be securely erased using DOD approved methods or the physical media is destroyed. Electronic media may be reused, however the media should be securely erased where practical.

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- (a) CD/DVD media must be broken/destroyed prior to disposal.
- (b) Hard drives:
 - 1. Erase the drive using DOD approved methods
 - 2. Use vendor provided utility for built-in "secure erase" function
 - 3. Break/destroy the hard drive (drill several holes through platters, shred, smash to point where platters and PCBs are broken)
- (c) Tapes are to be erased using DOD approved methods and destroyed (shred).
- (d) Flash drive devices are to be broken/destroyed.

Electronic media may be placed in Confidential Destroy boxes where a vendor destroys them for us.

Printed material, electronic media, or containers with CJI may only be handled or transported by approved persons who have been fingerprint background checked.

Printed material, electronic media, or containers with CJI may only be stored at approved locations staffed by persons who have been fingerprint background checked.

806.10 CONFIDENTIALITY

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section 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 Section procedure manual.

In an effort to ensure compliance with mandated FBI CJIS Security Policy requirements, January 1st and July 1st of every year the Records Supervisor will validate the information system accounts by logging into the online NexTest User Management application portal and Omnixx Console. The Records Supervisor will validate the information systems accounts including establishing, activating, modifying, reviewing, disabling, and removing accounts. The Records Supervisor shall document the validation process. Documentation will be saved on the (F):drive in the Police, Records, System Account Annual Validation folder.

Restoration of Firearm Serial Numbers

808.1 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.

808.2 PROCEDURE

Any firearm coming into the possession of the West Sacramento Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 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.

808.2.2 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 removed or obliterated.

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808.2.3 PROPERTY/EVIDENCE TECHNICIAN RESPONSIBILITY

The property/evidence technician 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. The evidence technician (CSI) can also; time permitting attempt to restore the removed or obliterated serial number.

808.2.4 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.

808.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Evidence Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

808.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the California Department of Justice (DOJ), crime lab, and 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.

Records Maintenance and Release

810.1 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.

810.2 POLICY

The West Sacramento 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.). The department will comply with this policy along with City of West Sacramento Administrative Policy XI-A-2.

810.3 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.

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

810.4.1 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.
 1. 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).
 2. 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.
 - 1. 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. 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.

810.5 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 that 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).
 - 1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives

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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).
 - (m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

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- (n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).
- (o) A record of a 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)(9)).
- (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 § 827.95; Welfare and Institutions Code § 831).

810.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member 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.

810.7 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.

810.8 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).

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 Manager shall ensure that the required notations on local summary criminal history information and police investigative

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reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

810.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

810.9 EXPUNGEMENT

Expungement orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall expunge 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 expunged, members shall respond to any inquiry as though the record did not exist.

810.10 SECURITY BREACHES

The Records Manager 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

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- Unique biometric data
- Genetic data

810.10.1 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 West Sacramento Police Department.
 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 West Sacramento 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 West Sacramento 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.

810.10.2 MANNER OF NOTICE

- (a) Notice may be provided by one of the following methods (Civil Code § 1798.29):
1. Written notice.

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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.
 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.

810.11 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 the Professional Standards Bureau supervisor 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.

810.11.1 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.

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- (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)).

810.11.2 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.
- (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 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.

810.11.3 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)).

810.11.4 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.

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- (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)).

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)).

Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the West Sacramento 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.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the West Sacramento 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.

812.2 POLICY

Members of the West Sacramento 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.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member 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.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, West Sacramento Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member 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 a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 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).

812.5 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.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager 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 Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.5.1 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).

812.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDT or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member 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.
- (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.

812.6.1 MEMBER RESPONSIBILITIES

Members 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).

812.7 TRAINING

All members 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.

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812.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members 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).

Computers and Digital Evidence

814.1 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.

814.2 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.

814.2.1 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.

814.2.2 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.

814.3 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 Section 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.

814.4 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.

814.5 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.

814.5.1 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.

814.5.2 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 Section as soon as possible and submitted 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.
- (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

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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 an evidence locker 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.

814.5.3 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.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

- (a) Only Crime Scene Investigators and 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.

Evidence Preservation and Collection

815.1 PURPOSE AND SCOPE

The West Sacramento Police Department has procedures in place that deal with protecting, collecting and preserving physical evidence, to aid in the identification and successful prosecution of offenders.

815.2 INTER-DEPARTMENT COORDINATION OF FORENSIC SERVICES

- (a) Crime Scene Uniformed Services (CSI) is a component of the Investigations Division. Upon a Police Officer's request, CSI personnel report to a crime scene and hold the primary responsibility for the collection and preservation of evidence. In situations requiring the services of CSI personnel, Police Officers must assist upon request and maintain security of the scene. A further role of the requesting Police Officer is reporting initial crime scene observations in detail.
- (b) When a supervisor arrives at a crime scene, he/she has the responsibility of directing the patrol officer on scene, the Detective and CSI personnel.

815.3 EMPLOYEES RESPONSIBILITIES AT CRIME SCENES

- (a) When a Police Officer is investigating the following crimes, the officer has the discretion to request CSI personnel to evaluate, photograph and process the scene for physical evidence:
 - Homicide.
 - Suicide.
 - Rape.
 - Arson.
 - Robbery.
 - Serious Assaults.
 - Burglary
 - Recoveries of stolen vehicles that were originally reported to the Police Department.
- (b) This list does not limit requesting CSI personnel on other offenses not listed, where evidence requires processing.
- (c) The Investigations Division Supervisor decides what response is appropriate given the scope of the crime and whether more than one CSI is needed. A supervisor must contact the Uniformed Services Supervisor when any of the following situations exist:

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- (d)
 - Homicide and any other questionable death including, but not limited to, Sudden Infant Death Syndrome.
 - Fatal or potentially fatal traffic crashes.
 - Shooting or use of lethal force involving an employee.
- (e) The Uniformed Services Supervisor may make a personal response or designate another employee to respond.
- (f) When investigating complex fatal or potentially fatal traffic crashes, in addition to requesting the CSI personnel, and contacting the Uniformed Services Supervisor, the Traffic/Parking Safety Unit Supervisor must be notified.
- (g) The responding Uniformed Services Supervisor and/or the designated Traffic Collision Investigator are responsible for:
 - Conducting the on-scene investigation and interviews of witnesses.
 - Completing all necessary reports and diagrams.
 - Insuring that all physical evidence is documented or collected.
 - Conducting any follow-up investigation.
 - Reviewing the facts of investigation with the District Attorney's Office.
- (h) At the scene of a major crime it is the responsibility of the first employee on scene to limit access to essential personnel. Usually, essential personnel are CSI, investigator and supervisors. The securing employee must begin a log, recording the name and Department of all employees and any other persons who enter the crime scene. The log must also include the arrival and departure times of those persons. The log is will be submitted with the original report.
- (i) Employees must not disturb, touch or handle physical evidence unless there is a danger of loss or destruction of the evidence prior to the arrival of CSI personnel. In that situation the employee must mark, tag and preserve the evidence until it can be released to CSI.
- (j) When Uniformed Services Officers or Investigator have processed the crime scene, they must place all evidence into a secure evidence storage locker after properly packaging, marking, sealing and tagging it.
- (k) CSI personnel receive training from the Department of Justice Crime Laboratory and other P.O.S.T. approved courses in the collection and preservation of evidence. These areas include:
 - Drugs and Narcotics
 - Arson Debris and Liquids
 - Explosives

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- Gun Shot Residue
- Question Documents
- Firearms
- Serology
- Trace
- Fingerprints
- Photography

815.4 CRIME SCENE INVESTIGATOR AVAILABILITY

- (a) At least one Crime Scene Investigator is on duty or available twenty-four hours daily. When an employee arrives at the scene of a major crime or a serious traffic crash, he/she should request that CSI personnel respond within a reasonable amount of time.
- (b) When CSI personnel are not available to respond, Police Department Supervisors may request Criminalists, Latent Analysts, or Investigators from the Department of Justice to respond and help with evidence collection and investigations of serious or complex crime scenes.

815.5 COLLECTION OF EVIDENCE FROM KNOWN SOURCES

Whenever such materials or substances are available, and it is legal to do so, CSI personnel must collect standards from known sources. CSI personnel submit these known source items to the Department of Justice Crime Laboratory for comparison with physical evidence collected at the crime scene. Such materials and substances include:

- Blood
- Biological fluids
- Hair
- Fibers
- Paint
- Glass
- Wood
- Metal
- Soil
- Tools
- Footwear

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815.6 MARKING PHYSICAL EVIDENCE

- (a) Patrol Officers, Uniformed Services employees or CSI personnel must mark physical evidence as soon as possible. The mark should consist of the employee's initials, badge number, and date, and employees should make it with an indelible pen or scribe in a location that does not mutilate or affect the item's value.
- (b) The employee must seal the item of evidence in a proper container and place his/her mark and date on the seal. The employee must complete and securely attach a property tag to the container. The employee is responsible for placing the item in a secure evidence locker or the Property Room.

815.7 REQUIREMENTS TO INVENTORY COLLECTED EVIDENCE

Employees must list all physical evidence they collect from a crime scene on a property/evidence report form. The report must include the following information:

- Description of the item (including amount, make, model and serial number).
- Location of the item's recovery.
- Collecting employee's name.

When CSI personnel collect evidence or take photographs at a scene, they must complete a property/evidence report form that describes the items of evidence, place of recovery and disposition. CSI personnel must also document the situation, on a supplemental report, when no evidence is collected.

815.8 COLLECTING AND PRESERVING PERISHABLE EVIDENCE

When collecting perishable evidence such as body fluid stains, items with body fluid stains or other biological materials, CSI personnel use the following procedures:

- (a) **Items with Body Fluid Stains** - CSI personnel must air-dry these items before packaging them. A secure drying closet is available in the Evidence Warehouse for this purpose. CSI should take care to avoid cross contamination. After the items are thoroughly dry, the CSI must package the items separately, in brown wrapping paper, a paper evidence bag or envelope.
- (b) **Liquid Blood and Semen** - CSI personnel collect fresh liquid samples using sterile cotton swabs. CSI places the sample into an appropriate box or envelope. All seams must have a cellophane tape lining (adhesive side down).
- (c) **Dry Blood and Semen** - CSI personnel, whenever possible will submit the entire object that has the stain on it. When the stain is on a wall, floor or like object, the CSI personnel must moisten a cotton swab with distilled water. Then lightly rub the moist swab on the stain transferring the stain from the surface to swab. CSI must control the transfer to concentrate the stain on the gauze or swab as much as possible. CSI places the sample into an appropriate box or envelope. All seams must have a cellophane tape lining (adhesive side down).

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1. The CSI personnel must, when possible collect control samples from the same surface (immediate area) as the dry stains. Collection and packaging are the same as for dry stains.
- (d) **Tissue or Biological Material** - CSI personnel collect other types of stains using the same procedures as for liquid and dry stains. CSI must freeze any tissue or biological material that is not dry.
 1. When an employee receives a Sexual Assault, or D.U.I. Evidence Collection Kit from a hospital, the Kit must be properly marked, sealed and tagged. The Kit must include the name of the person providing the evidence. The employee must also attach a "Biohazard" sticker to the package. The employee takes the sealed kit as quickly as possible to the Bag & Tag Room or Property Room, securing it in the refrigerator following the Property and Evidence Control General Order.

815.8.1 COLLECTING AND PRESERVING LIQUID BIOLOGICAL EVIDENCE

- (a) In the event that blood and/or urine specimens are taken as evidence, the employee must properly package, mark, seal, and tag the blood and/or urine container. Caution: Employees must use protective gear when handling biological evidence. The employee immediately takes the specimen to the Property Room, securing it in the refrigerator following the procedures in the General Orders Manual chapter on Property and Evidence Control. It is the responsibility of the employee to complete and forward the Evidence Request Card to Crime Scene Uniformed Services. Transportation of the blood/urine to either the DOJ Crime Lab or Valtox Laboratory occurs in the same manner as all other evidence.
- (b) Collection and packaging guidelines are as follows:
- (c) Urine specimens for alcohol and/or drug screens must be in a plastic container. The employee should have the subject urinate into a plastic collection container. The employee then secures the lid on the container. The employee must list the following information on the container:
 - o Subject's name.
 - o Case number.
 - o Date and time of collection.
 - o Name of persons collecting and/or sealing the sample.
- (d) The employee places the specimen container inside a plastic bag and seals the bag with tape. Note: Do not seal the plastic container with tape. The employee places the plastic bag in an evidence envelope or box, seals the package, and then attaches a "Biohazard" sticker and property tag to the package exterior. The employee must

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ensure that refrigeration of the specimen, below forty-two degrees Fahrenheit, occurs as quickly as possible.

- (e) Medical personnel collect blood specimens for alcohol and/or drug screens in a gray top vacutainer. Employees must complete the information on the D.U.I. Evidence Collection Kit box, and then attach a "Biohazard" sticker and a property tag to the bottom of the box. Employees must ensure that the medical personnel sealed the box.
- (f) Blood standards for serology analysis must be put in lavender top vacutainers. The employee labels the vacutainer with the following information:
 - o Subject's name.
 - o Case number.
 - o Date and time of collection.
 - o Name of persons collecting and/or sealing the sample.
- (g) The employee places the specimen container inside a plastic bag and seals the bag with tape. The plastic bag is placed in a sealed evidence envelope or box, with a "Biohazard" sticker and property tag adhered to the package exterior.
- (h) Employees should try to obtain both blood and urine specimens in vehicular homicide or potential vehicular homicide cases. It is the investigating employee's responsibility to notify the Uniformed Services Supervisor that the sample is part of a vehicular homicide or potential vehicular homicide investigation. The Department of Justice Crime Laboratory conducts alcohol and drug screens on all vehicular or potential vehicular homicides.

815.9 PROCESSING AND PRESERVING STOLEN VEHICLE EVIDENCE

- (a) When an employee recovers a stolen vehicle (originally reported to the Police Department) he/she can either process the vehicle and its contents for evidence or call out CSI personnel. When an employee recovers a vehicle originally reported stolen to another Department, the employee secures the vehicle preserving the opportunity for it to be processed by that Department. Upon request, CSI personnel or officers may process other agencies stolen vehicles, if staffing permits.
- (b) If CSI personnel are not available, and the employee is unable to process the vehicle for evidence, the patrol supervisor has the discretion of towing the vehicle for processing at a later time.
- (c) It is the responsibility of the recovering officer to notify or attempt to notify the owner of the vehicle of the recovery.
- (d) It is the responsibility of the recovering employee to ensure that proper notification is made to the reporting agency and the victim.

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815.10 CRIME SCENE AND EVIDENTIARY PHOTOGRAPHY

- (a) Photographs of crime and crash scenes are extremely helpful in documenting a scene. Employees should take enough photographs at a scene to portray a true and accurate representation of the scene. Employees should show significant aspects of the scene.
 - (b) It is the responsibility of CSI personnel or the police officer to photograph crime scenes and traffic crashes. The photographer will utilize a digital camera when taking photographs of the crime scene or crash. The photographer will record the following information on the Property Sheet.
 - o Case Number
 - o Type of complaint
 - o Complainants' name
 - o Complainant's address
 - o Suspect's name, if known
 - o Suspect's address, if known
 - o Date and time photographs taken
 - o Photographer's name
 - (c) When it is necessary to record the exact size of an item in a photograph, the photographer should place a scale next to the item and photograph it at a right angle. The photographer must take an additional photograph without the scale, using the same camera settings and position.
 - (d) All requests from complainants, legal firms or outside agencies for copies of photographs taken by CSI personnel or other employees shall be referred to either the Property/Evidence Technician or Crime Scene Uniformed Services.
- e. Video cameras are also available for documenting crime and crash scenes. CSI personnel must videotape all homicides fatal and/or serious accidents. CSI personnel should video tape any complex scene.
- f. Employees must mark, package, tag and place videotapes of crime and crash scenes into the Property Room. This directive applies to any audio and/or videotapes that are subject to use in court for evidentiary reasons, including patrol vehicle videotapes.

815.11 COLLECTING, PROCESSING AND PRESERVING DIGITAL MEDIA

- (a) Digital media obtained by employees can be in the form of audio video or photographic images. The purpose of collecting digital media is to provide an accurate unbiased record of enforcement related and non-criminal incidents that will enhance criminal prosecution and limit civil liabilities such as incidents where department personnel are

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responsible for property damage and aid in complaint resolution such as incidents where allegations may be made of personnel misconduct. Although broad, digital media collected for these purposes will be referred to herein as "evidence".

- (b) For purposes of preservation, employees shall download ALL digital media, including video recordings, photographs and voice recordings onto a CD or DVD and book as evidence with the Property/Evidence Technician in accordance with this Order. In addition, photographic images shall also be printed and forwarded along with the crime report for processing.
- (c) Employees will also include in their report, a section in the narrative indicating that video, audio or photographic evidence was obtained and retained as evidence.
- (d) All digital media shall be stored in a secure location with limited access by Property/Evidence personnel.
- (e) No digital media collected as evidence shall be retained once copied and booked as evidence. Original shall be deleted, destroyed or erased once the download is complete.
- (f) Copies of digital media evidence must be obtained via department procedure. as outlined in WSPD General Order 8.4.1 - Property Evidence and Control, Section G. Temporary and Final Release of Property and Evidentiary items.
- (g) No video, audio or photographic media will be released to any person, news organization or any other entity outside of law enforcement without express consent of the Chief of Police or designee. Any Police Department employee releasing media without the express permission of the Chief of Police will be subject to discipline.

815.12 COLLECTING AND PRESERVING LATENT PRINT EVIDENCE

- (a) When processing any crime scene for latent prints, employees must follow these guidelines:
 - o CSI personnel may photograph latent impressions at any scene when necessary to avoid loss of the evidence.
 - o CSI personnel must place the latent lift on a Latent Fingerprint Card and complete the following information:
 - o Complainant's name.
 - o Place of Occurrence.
 - o Date of Occurrence.
 - o Processor's name and badge number.
 - o Location and direction of lift (at scene or other location.)
 - o Sketch of object.

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- Crime code.
 - Case number.
- (b) CSI personnel are responsible for the development of latent impressions on items of evidence submitted by officers or evidence collected that could not be processed at the scene. CSI personnel are trained in processing various surfaces using a variety of methods, i.e.: powders, small particle reagent, super glue fuming, Ninhydrin, iodine fuming, and crystal violet. If additional processing is warranted, CSI will forward the specimen to the Department of Justice Manual Latent Division for additional testing. It is the discretion of the CSI to determine when an article requires further examination.
- (c) The Department retain all inked fingerprints, palm print and latent print cards that the department compiles, on file. When requesting latent print comparisons with a known suspect, the requesting employee must include an Evidence Request Card with the suspect's date of birth or case number if known.

815.13 CRIME SCENE INVESTIGATION UNIT EQUIPMENT

CSI vehicles have special equipment for processing all types of crime scenes. The equipment in each CSI vehicle is for the following purpose:

- Recovery of latent prints
- Photography
- Scene sketches and diagrams
- Traffic Crash Uniformed Services
- Collection and preservation of physical evidence
- Metal Detection Kit
- Biohazard Personal Protective Equipment
- Biohazard Spill Kit

CSI has a secure drying closet, a fume hood and a portable generator.

Additional equipment such as ladders, portable generator and lights, portable super glue fuming equipment, and other equipment are available upon request.

815.14 CRIME SCENE SKETCHES AND DIAGRAMS

Crime scene sketches and diagrams are often useful tools for documenting serious or complex crime scenes. When CSI personnel make crime scene sketches in the field, they should contain the following information:

- Dimensions
- Relation of the crime scene to other buildings, geographical features or roads

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- Address (floor or room number) as appropriate
- Location of significant features of the scene, including the victim
- Date and time of preparation
- Names of person preparing the sketch
- Direction of North
- Location of items of physical evidence
- Sufficient additional information necessary to complete a final drawing later

Crime scene sketches and diagrams are mandatory at all homicides, fatal and serious accident scenes, and other serious crimes.

CSI personnel should retain their field sketches and handwritten notes.

815.15 REQUIREMENTS FOR REPORTING SCENE REPORTING

- (a) It is the responsibility of CSI personnel who process a crime or traffic crash scene to submit a complete report on the sequence of events associated with his/her scene investigation. The reports must contain the following information:
 - Date and time of arrival at the scene
 - Location of the scene
 - Victim's name (if known)
 - Suspect's name (if known)
 - Actions taken at the scene including photography, videography, measurements etc.
 - List of physical evidence
- (b) The same responsibilities for accurate crime scene reporting also apply to all other employees.
- (c) When the need arises to collect and store computer equipment as evidence, the Uniformed Services supervisor shall be notified and a request will be made to have the investigator assigned to the Financial Crimes Unit respond to the scene. Trained personnel must properly collect computer equipment and related apparatus to ensure that actions taken should not add, modify, or destroy data.
- (d) All collected electronic evidence will be properly documented. If the computer is on, leave it on. If the computer is off, leave it off. Photograph the entire scene including the front of the computer screen and record displayed information if applicable. Identify telephone lines attached to devices such as modems and caller ID boxes. Label each telephone line from the walls if possible.

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- (e) Label, photograph and inventory all electronic evidence including cables prior to disconnect to allow for later reassembly. Consider and properly package for possible latent analysis. If the computer is on, remove the power source cable from the computer, not from the wall outlet.
- (f) Remove floppy disks, tape drives thumb drives, removable media drives, CD-ROM drives, other devices that can copy documents into a computer, magnetic tapes, and other removable storage media. Package and label properly for evidence storage.
- (g) Keep electronic evidence away from magnetic sources, radio transmitters, and speaker magnets. These sources are examples of items that can damage electronic evidence.
- (h) Maintain the chain of custody on all evidence transported.
- (i) Potential evidence such as dates, times and system configurations can be lost as a result of prolonged storage, therefore evidence personnel should be informed that a device powered by batteries is in need of immediate attention.

815.16 DOCUMENTING TRANSFER OF CUSTODY OF PHYSICAL EVIDENCE

- (a) As part of the chain of evidence, each time there is a transfer in custody of physical evidence, documentation of that transfer must occur. Property Room personnel must complete the Chain of Custody form which will contain the following:
 - o The item number
 - o The reason for transfer (laboratory, court, inspection, other.)
 - o The transfer date
 - o Signature of the Property Room employee
 - o Signature of the receiving employee
- (b) When removing evidence from the Property Room, employees must sign the yellow chain of custody property/evidence form. The chain of custody must include the employee's name, badge number, date, time and where the evidence is being taken. The item is bar-coded by either the Property/Evidence Technician or CSI personnel to indicate transfer.
- (c) Property Room personnel log the date and time of return on the chain of custody property/evidence form. The Property Room employee and the returning officer both sign the form. The property/evidence form remains on file in the Property/Evidence Technician's office.
- (d) When necessary for one employee to transfer evidence to another, the transferring employee must sign the chain of custody on the property/evidence form as well as the receiving employee.

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- (e) When an employee receives evidence from another Department or a hospital he/she must document the receipt of the evidence by marking the property tag and container. The mark must include the receiving employee's name, badge number, date, time and the name of the person who is giving him the evidence. The receiving employee must, if possible, include in his report the other Department or hospital's chain-of-custody and complete a WSPD property/evidence report form describing said evidence. The employee then secures the evidence in an evidence locker.

815.17 SUBMITTING EVIDENCE TO THE CRIME LABORATORY

The responsibility for submitting evidence and requesting laboratory examinations lies primarily with the Identification Unit with the following stipulations:

- (a) When CSI personnel process a scene, they are responsible for submitting the evidence and any requests for laboratory examination of the evidence to the crime laboratory. Evidence packaging and transmittal must occur according to the procedures indicated in the Property and Evidence Control Manual.
- (b) When employees other than CSI personnel process scenes they are responsible for submitting an Evidence Request form to the Identification Unit. CSI personnel then completes a Forensic Services Report, requesting the types of laboratory analysis necessary.
- (c) At crime scenes where processing by two or more CSI personnel occur, one is responsible for submitting the Forensic Services Report, requesting the types of laboratory analysis necessary.
- (d) It is the responsibility of the case investigator to review Forensic Services Reports for his cases. If additional types of laboratory analysis are necessary or new or additional evidence becomes available, the investigator must submit a new Evidence Request Card to CSI, concerning the additional analysis.
- (e) The Department of Justice provides written reports pertaining to the results of all evidence analysis they perform. Employees must forward the original of this report to Records, for filing with the original reports on the offense. The case investigator keeps a photocopy of the report for the Uniformed Services Section case file.

Jeanne Clery Campus Security Act

822.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

822.2 POLICY

The West Sacramento Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any West Sacramento Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the West Sacramento Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the West Sacramento Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

822.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the West Sacramento Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
 1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
 - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
 2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

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3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
 4. Notify the West Sacramento Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
 5. Notify the West Sacramento Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
 - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
 - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
 - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

822.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:
 1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
 2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the West Sacramento Police Department or the institution (Education Code § 67380).
 - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the West Sacramento Police Department is necessary to contact or detain the assailant (Education Code § 67380).
 - 2. If the institution discloses the identity of the alleged assailant to the West Sacramento Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

822.4 RECORDS COLLECTION AND RETENTION

The Records Manager is responsible for maintaining West Sacramento Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
 - 1. Murder
 - 2. Sex offenses, forcible or non-forcible
 - 3. Robbery
 - 4. Aggravated assault
 - 5. Burglary
 - 6. Motor vehicle theft
 - 7. Manslaughter
 - 8. Arson

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9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
 10. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
 - (a) On campus.
 - (b) In or on a non-campus building or property.
 - (c) On public property.
 - (d) In dormitories or other on-campus, residential or student facilities.
- (c) Statistics will be included by the calendar year in which the crime was reported to the West Sacramento Police Department (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

822.4.1 CRIME LOG

The Records Manager is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

- (a) The daily crime log will record all crimes reported to the West Sacramento Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.

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- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
 - 1. Disclosure of the information is prohibited by law.
 - 2. Disclosure would jeopardize the confidentiality of the victim.
 - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

822.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Manager is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

- (a) All occurrences reported to the West Sacramento Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.
- (b) All occurrences of noncriminal acts of hate violence reported to the West Sacramento Police Department for which a written report is prepared.

822.5 INFORMATION DISSEMINATION

It is the responsibility of the Administration Division Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
 - 1. Crime statistics and the policies for preparing the crime statistics.

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2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
 - (a) Procedures victims should follow.
 - (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

Communication Operations

823.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

823.1.1 FCC COMPLIANCE

West Sacramento Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

823.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between Yolo Emergency Communications Agency and officers.

823.2.1 COMMUNICATIONS LOG

It shall be the responsibility of Yolo Emergency Communications Agency to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

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Communication Operations

823.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

823.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign 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 unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

Community Service Officer Program

824.1 PURPOSE AND SCOPE

The deployment of Community Service Officers (CSO) within the patrol function are designed to relieve police officers of some of the more minor and routine tasks that can more effectively and economically be handled by civilian employees. This assists in freeing up police officers to deal with higher priority tasks and the investigation of criminal activities more commensurate with their training and expertise.

824.2 DUTIES

Community Service Officers duties include but are not limited to:

- (a) Cold Felony and Misdemeanor Property Crimes Reporting
- (b) Missing persons reports and clear-ups
- (c) Fraud Reports
- (d) Restraining Order violations where suspect is not on scene
- (e) Stolen vehicle reports and recoveries
- (f) Basic crime scene investigation activities
- (g) Found property recovery and booking
- (h) Traffic control functions
- (i) Towing vehicles at the direction of a sworn officer
- (j) Other tasks as assigned by the Chief of Police or his/her designee

CSO's are under the direct supervision and direction of a patrol sergeant and shall wear the prescribed uniform when on-duty and follow policy and procedure as outlined within this manual.

CSO's are authorized by California Vehicle Code 22651 to order the towing of vehicles, issue parking citations, and enforce any other traffic provisions of the vehicle code authorized for non sworn personnel.

Community Service Officers are civilian employees and are not sworn police officers. As such, Community Service Officers shall not engage in traffic stops, emergency driving, make physical arrests or transport prisoners.

Community Service Officers shall notify dispatch of any criminal activity they discover and request the aid of a police officer.

824.3 COMMUNITY SERVICE OFFICER VEHICLES

824.3.1 VEHICLES

Vehicles assigned to and utilized by the Community Service Officers (CSO) of the Police Department will be constructed, configured, maintained, equipped, and used in accordance with the policies of the West Sacramento Police Department.

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Community Service Officer Program

Community Service Officer vehicles are utilized primarily by CSO's for assigned patrol duties. CSO vehicles are not designated as "emergency vehicles" and shall not be equipped with siren capabilities. CSO vehicles shall not be equipped or used for the transportation of prisoners and shall be maintained in accordance with the specifications of the policy manual.

Each CSO is responsible for the condition and care of the vehicle assigned to them. CSO vehicles may be utilized as necessary to block off streets or property related to police duties, and transport stranded motorists, witnesses, or victims as directed by a Patrol Division supervisor

Operation of CSO vehicles requires no additional qualifications or training beyond a valid operator's license. CSO vehicles will be equipped with the equipment necessary to safely handle the tasks assigned them:

- (a) An overhead light bar for maximum visibility and shall be clearly marked with "Community Services" decals and other markings designated to increase the safety of the CSO and citizens.
- (b) Mobile police radio and public address (PA) system, and computer system.

Chapter 9 - Custody

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 West Sacramento Police Department for processing prior to being released or transferred to a housing or other type of facility.

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:

Pre-booking - An area within the police department where officers conduct pre-booking activities involving detainees in custody, after which detainees may either be released from custody by one of several means or be escorted to a jail, at which time they would be booked.

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 West Sacramento Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The West Sacramento 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

No adult should be in temporary custody for longer than six hours.

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 West Sacramento Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (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.

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- (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 member capable of supervising shall be present at all times when an individual is held in temporary custody. The member 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 member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

900.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.

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- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member 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 may be suicidal, he/she shall be transported to the City 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 the secure pre-booking room, immediately released or transported to jail or other facility.

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Uniformed Services Division Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available on-line to department members. 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 documentation.

Department members 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.

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- (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 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) 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.
- (b) There is reasonable access to toilets and wash basins.
- (c) There is reasonable access to a drinking fountain or water.
- (d) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (e) There is privacy during attorney visits.
- (f)

900.5.2 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member 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. Members 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 West Sacramento Police Department. They should be released or transferred to another facility as appropriate.

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900.5.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member 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).

900.5.4 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.

900.5.5 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.

The pre-booking room is equipped with video surveillance monitoring equipment which can be monitored from the Sergeant's Office. The doors of the pre-booking room are equipped with electro-locks requiring a security badge for entrance and exit. Wall rails are permanently installed in the room to allow detainees to be further secured to the wall using handcuffs.

The Police Department facility is contained within a perimeter consisting of a 10 foot tall wall and fence topped with Concertina wire.

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900.5.6 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 a member, 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 will retain a record of these reports for inspection purposes (15 CCR 1044).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy..

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the West Sacramento 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.

900.6.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

900.7 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. A request for the release of property to another person must be made in writing. Release of the property requires 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.

900.8 SECURE PRE-BOOKING ROOM

A thorough inspection of the secure pre-booking room shall be conducted before placing an individual into the room to ensure there are no weapons or contraband and that the ROOM is

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clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the room should be photographed and documented.

The pre-booking area is not used as a detention facility. In the event that the secure room inside of pre-booking needs to be used, such as to separate those in custody, 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 or hazardous items, 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 members.
- (d) Safety checks by department members shall occur no less than every 15 minutes.
 - (a) Safety checks should be at varying times.
 - (b) The safety check should involve questioning the individual as to his/her well-being.
 - (c) Individuals who are sleeping or apparently sleeping should be awakened.

900.8.1 PANIC OR DURESS ALARMS

The emergency duress system is comprised of wall mounted red buttons located in the pre-booking room. When depressed, an audible alarm stating that there is a problem in booking will sound over the department speaker system. The message will repeat twice and then deactivate.

Panic alarms are not meant as a replacement for using the radio system to call for assistance; the radio should be used if possible as it offers the ability to provide more information. The panic alarm should be used in addition to the radio or in place of it if the radio is unable to transmit.

In the event of an emergency, an officer may activate the wall mounted button to summon assistance. The officer should use the radio, if possible, to give any critical information of the emergency situation. Once the emergency is under control, the officer should declare a "Code 4."

The emergency duress alarm system (panic alarm) is for officers to summon assistance to address situations such as, but limited to:

- (a) life threatening medical situations,
- (b) fights
- (c) assaultive detainees
- (d) any situation that requires additional staff to contain and restore control.

Upon receiving an emergency alarm, the Supervisor shall announce on the radio that there is an alarm and direct the staff to respond to that area. The Supervisor can also activate a "Code 33" alarm to alert all staff to stop non-emergency radio traffic.

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Officer's portable radios are also equipped with emergency alert buttons. In the event of an emergency this button can be pressed and an immediate emergency alert is sent to dispatch. The emergency activation of the radio will transmit a distinguishable frequency to alert other radio users that an emergency alarm has been activated.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Uniformed Services Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the West Sacramento 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 and Investigation 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 Coroner
- (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)

900.10 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 West Sacramento Police Department unless escorted by a member 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.

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1. The department member 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.

900.10.1 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 § 851.910).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

900.11 ASSIGNED ADMINISTRATOR

The Commander in charge of Fleet and Facilities 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).

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These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Prisoner Transportation

901.1 PURPOSE AND SCOPE

The purpose of this policy is to establish standards and procedure for the transportation of prisoners. Portions of this topic may be contained in other sections of this Manual.

901.2 SEARCHING PRISONERS / DETAINEES

Officers who arrest or detain individuals must control the situation with the tools provided within the law. Officers must stay well versed on the current status of the search of persons and act within the law.

- (a) Prior to detaining or transporting any individual in a police vehicle, officers shall conduct an appropriate search of that individual for contraband or weapons.
- (b) Each time a prisoner comes into the transporting officer's custody, including transfers from one patrol unit to another, the receiving transport officer must search the prisoner.

901.3 SEARCH OF TRANSPORT VEHICLE

Officers involved in prisoner transportation must develop a routine of searching the patrol or transport vehicle to assure prisoners do not have access to weapons or contraband.

- (a) A patrol officer shall search the prisoner area of his/her vehicle at the beginning of each shift and following the transportation of a prisoner.
- (b) Officers engaged in prisoner transportation shall search the transport vehicle prior to loading any prisoner and search again following the removal of prisoners.

Weapons, contraband or personal property found in the prisoner compartment of a vehicle, shall be booked into evidence and the appropriate report shall be completed.

901.4 USE OF RESTRAINTS

Generally, any prisoner should be appropriately restrained to lessen the chance of escape or assault on others. When transporting prisoners for an extended distance, or period of time, the officer should consider leg restraints and belly chains as a form of restraint.

901.5 TRANSPORTING BY VEHICLE PROCEDURES

The primary duty of the transporting officer is the safe delivery of the prisoner in his/her care. Transporting officers should not engage in routine police matters while transporting a prisoner unless a serious situation arises that may require police intervention. In deciding if police intervention is needed, the transport officer should weigh the seriousness of the situation, the possible ramifications if police action is not taken, and make a reasonable decision. In situations where police intervention is needed for the preservation of life, officers shall place his prisoner in the safest position possible and engage the situation. If action is taken by the transport officer, the officer shall notify communications as soon as practical.

Officers should ensure the prisoner is as comfortable as practicable, given the length of the trip being made, and yet secure the prisoner to the maximum degree, under the circumstances.

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Officers shall handcuff and secure in the rear passenger compartment all prisoners whom they transport in a patrol vehicle that has a security screen, unless circumstances are such that handcuffing is clearly not practicable. In the rare situation when a solo officer transports a prisoner in a vehicle without a security screen, the handcuffed prisoner should be seated in the front passenger seat and securely fastened with the seatbelt. Physically resistive or multiple prisoners, should only be transported in vehicles equipped with a security screen.

Officers shall seatbelt prisoners, unless circumstances are such that seat belting is clearly not practicable. (Exemption permissible under CVC 27315(g)).

901.6 TRANSPORTATION OF PRISONERS - RESPONSIBILITIES OF OFFICER

Whenever a prisoner is to be transported from the field or from one facility to another facility by a member of this Department, the arresting officer shall be responsible for the following:

- (a) Verify the identity of each prisoner to be transported matches the booking paperwork;
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, itemized list of prisoner's property, warrant copies, etc.;
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The arresting officer shall ensure such threat or danger is communicated to intake and transporting personnel.

The transporting officer shall be responsible for:

- (a) Ensuring all prisoners delivered to the facility are appropriately restrained until otherwise instructed by the receiving custody official;
- (b) Ensuring all firearms and other weapons not allowed within the custody facility are appropriately secured before the prisoner is removed from the vehicle.
- (c) A copy of the Department arrest report will be provided to the jail facility to confirm transfer of custody. All other documentation, such as the medical clearance forms and property intake forms, will be retained by the jail.

901.6.1 CONTROL OF PRISONERS DURING TRANSPORT

When transporting a prisoner(s), officers shall have visual contact with them. Transporting officers shall not deviate from their route during the transportation of a prisoner, unless an emergency arises. If an emergency does arise, the prisoner may be allowed to exit the vehicle only in extreme situations and then only under close supervision and security. The transporting officer must ensure the prisoner is secure, and under constant visual observation.

901.6.2 PRISONER COMMUNICATION DURING TRANSPORT

Security of the transportation function requires that a prisoner not exercise the right to communicate with his/her attorney, clergy, family, and/or others during transportation. Except as

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provided by law, a prisoner shall not be allowed to make any phone calls or communicate with the outside while awaiting transport.

In special circumstances, the on-duty Watch Commander can approve an exception to this policy. If an exception is made, the transporting officer is responsible for monitoring the communication.

901.7 ESCAPE OF PRISONER DURING TRANSPORT

Officers must follow all Department policies and procedures applicable to the Use of Force regarding any attempt to prevent an escape or to recapture an escapee.

If an escape occurs, the transporting officer must immediately advise the Communications Center dispatcher (if within Yolo County) or the nearest local authority of the following:

- (a) Officer's call sign
- (b) The location of the escape.
- (c) The escapee's description.
- (d) The charge the escapee was in custody on.
- (e) Any accomplice.
- (f) Whether the escapee and/or accomplices are armed.
- (g) Method of flight including vehicle description.
- (h) Direction of flight.

If the escape occurs within radio range of Yolo County Communications Center, the officer must request that the Communications Center notify the on-duty watch commander and local law enforcement agencies.

If the escape occurs beyond radio range of Yolo County, the officer must request that the responding agency notify our Communications Center, by telephone, as quickly as possible. The Communications Center must then notify the on-duty watch commander.

The officer is responsible for all the prisoners he/she is transporting. Therefore, he/she must remain with the vehicle and any remaining prisoners. Extenuating circumstances may dictate a different course of action.

Depending upon the circumstances at the time; once the scene is secure the officer may transport the remaining prisoners to the nearest detention facility or to their intended destination.

. In all cases where a prisoner escapes from transport, the transporting officer(s) shall submit a written report as soon as he returns to the station explaining the circumstances of the escape:

- The Supervisor shall make all appropriate notifications regarding the escape.
- The Supervisor shall investigate the circumstances surrounding the escape and submit a report to the Chief of Police regarding his findings.

When the escape occurs in another area of jurisdiction, the authority of the transporting officer to take action in recovering the prisoner is dependent upon the powers officers have in that

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jurisdiction. Depending upon the State, these will include peace officer powers in the State, within a mutual aid area, or only within the specific jurisdiction from which the officer comes.

901.8 SPECIAL TRANSPORTATION SITUATIONS

The West Sacramento Police Department does not provide detainee transportation for special situations such as attending funerals, visiting hospitals, or attending the reading of a will. Such transportations are the responsibility of the facility where the detainee is currently being held.

901.8.1 TRANSPORTING PRISONERS WITH ILLNESS OR DISABILITY

Any prisoner, who receives an injury during an arrest situation or while in custody, should be medically cleared prior to being transported to a detention facility.

In the event a prisoner requires emergency medical assistance during transportation, the transporting officer shall take appropriate actions to provide medical assistance as necessary and practicable. This may include emergency medical assistance being summoned to the prisoner's location, or deviation to an emergency medical facility. When practicable, officers should make every effort to ensure medical aid is rendered inside a secured custody facility area.

Prior to transporting, officers shall take into consideration a prisoner's mental or physical disabilities when selecting the transport vehicle, restraint devices, and seating position. Non-ambulatory prisoners or those requiring wheelchairs, crutches, and prosthetic appliances may not require the use of restraining devices in all instances. However, personnel must take every precaution to ensure the safety of the employees and the prisoner,

During transportation, a sick or injured prisoner should wear handcuffs or other appropriate restraints as practicable, unless the handcuffs or other restraint could further compound the injuries. When this is the case, the officer shall notify an on-duty Supervisor who may assign an additional officer to assist with the transportation, or take other/additional security precautions.

The transporting officer must return copies of all hospital paperwork, with attending physicians'/ nurse's signatures, to the jail with the prisoner. Officers will also attach a copy of the medical release form to their report.

901.8.2 SECURITY OF PRISONERS AT MEDICAL CARE FACILITIES

When taking a prisoner to a local hospital for any reason, officers must ensure that the prisoner is always under the control of the transporting officer.

- (a) If the prisoner requires admission to the hospital, the transporting officer must notify the on-duty Supervisor of the circumstances.
- (b) The transporting officer should remove the prisoner's restraints only when it is absolutely necessary and the medical staff requests it. If restraints are removed, the officer should consider additional units to assist.
- (c) Officers must not allow visitors, including telephone contacts to or by the prisoner.
- (d) Officers must attach a copy of the medical release form to the arrest report.

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- (e) Prior to re-initiating transportation, officers shall search the prisoner and if necessary, reapply restraints.

901.8.3 SECURITY OF PRISONERS ADMITTED TO MEDICAL CARE FACILITIES

When an arrestee is admitted to a medical care facility, the continued observation and control of the subject remains the responsibility of the transporting officer until relieved. Upon admission, the transporting officer should immediately notify the Watch Commander who will in turn begin a process for providing continued security of the arrestee.

When officers are assigned to provide security for arrestees admitted to a medical care facility, they should be aware of the following:

- (a) Condition of the arrestee;
- (b) Use of and method of restraints;
- (c) Meals and utensils provided to the arrestee;
- (d) Monitoring of all personal contacts with the arrestee;
- (e) Control or removal of any communication devices, ie: telephone;
- (f) Remaining alert and in direct visual contact of the arrestee;
- (g) Avoid fraternization with the arrestee.

Additionally, supervisors should ensure frequent rotation of officers and continued updates on the arrestee's condition and projected release from the medical facility.

Custodial Searches

902.1 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 West Sacramento Police Department facility. Such items can pose a serious risk to the safety and security of department members, 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.

902.1.1 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.

902.2 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.

902.3 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.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the West Sacramento Police Department facilities. Except in exigent circumstances, the search should be

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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.

902.4.1 PROPERTY

Members 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 member. The inventory should include the case number, date, time, member's West Sacramento Police Department identification number and information regarding how and when the property may be released.

902.4.2 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 member 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.

902.5 STRIP SEARCHES

No individual in temporary custody at any West Sacramento 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:

- (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.

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- (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).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at West Sacramento 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 members 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 member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member 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.
 - 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.

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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 member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member 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.
- (j) The above procedures and guidelines will also apply in circumstances involving juveniles, including the reporting requirements.

902.5.2 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.

902.6 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

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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 members 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.

902.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.

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- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 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. Members (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.

Prison Rape Elimination

904.1 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 West Sacramento Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

904.1.1 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).

904.2 POLICY

The West Sacramento 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 West Sacramento 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).

904.3 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 West Sacramento 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).

904.4 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).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members 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 department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 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).

904.5 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).

904.5.1 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).

904.5.2 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 West Sacramento 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.

904.5.3 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).

904.5.4 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).

904.5.5 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 members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members 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.

904.6 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 a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 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).

904.7.2 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 West Sacramento 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).

904.8 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).

904.9 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 Manager 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 Manager 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.

Chapter 10 - Personnel

Personnel Early Warning System

1000.1 PURPOSE AND SCOPE

The Department's Personnel Early Warning System (PEWS) is a pro-active, non-disciplinary program designed to identify and positively influence conduct or performance-related problems exhibited by individual employees. By applying professionally accepted intervention strategies at an early stage, it is intended that the value of each employee be recognized by providing guidance, coaching, counseling, training, professional referral, or any other recognized methods to correct conduct inconsistent with organizational values, mission, or policy. The PEWS is intended to be a positive approach for supervisors and managers to address behavior before it results in discipline, lawsuits, injuries or other negative consequences.

Establishment and activation of a Personnel Early Warning System, does not necessitate that the Department use this method prior to disciplinary proceedings for any particular event.

1000.2 RESPONSIBILITIES

Under the authority of the Constitutional Policing Division Commander, the Professional Standards Unit is responsible for maintaining and administering the Personnel Early Warning System. The Professional Standards Unit has the responsibility to notify the appropriate Commander of any early warning issues needing to be addressed. The Division Commander of the involved employee, notified by the Professional Standards Unit, is responsible for ensuring an appropriate response is developed and carried out.

The Constitutional Policing Division Commander or his/her designee will conduct an annual evaluation of the Personnel Early Warning System. The findings will be included in the Professional Standards Division Annual Report; which is provided to and approved by the Chief of Police.

1000.3 EARLY INTERVENTION

The West Sacramento Police Department has established thresholds to determine possible training needs of employees. The system is designed to be highly secure at both the administrative and application levels. The components of the PEWS include:

- (a) Performance Indicators;
- (b) Identification and Selection;
- (c) Intervention;
- (d) Follow-up Monitoring.

1000.4 PERFORMANCE INDICATORS

Performance Indicators represent the category of employee performance activity that the West Sacramento Police Department has selected to monitor. Incidents used as indicators may include but are not limited to:

- (a) Use of Force (Less Lethal and Deadly Force);

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- (b) Vehicle Pursuits;
- (c) Citizen Complaints (Formal and Informal);
- (d) Commendations, Compliments and Awards (Citizen and Department);
- (e) Canine Apprehensions/Deployments
- (f) Administrative Investigations and/or Supervisory Inquiry;
- (g) Pitchess Motions;
- (h) Accidental Discharges;
- (i) Accidents.

1000.5 IDENTIFICATION AND SELECTION

For most performance indicators, the threshold is three (3) incidents in a twelve-month period which will result in an alert in the Personnel Early Warning System. In such a case, the Professional Standards Unit will advise the affected employee's Commander, Manager and Supervisor. This group will conduct a careful evaluation of any related documentation to determine if the employee's performance is problematic and requires intervention. A non-disciplinary interview with the employee may also be conducted. After a review, it may be determined that an intervention is not appropriate as the behavior did not require such. In either case, the Chief of Police will be made aware of the final disposition.

A threshold of three (3) incidents of a single performance indicator will trigger an alert; but a combination of any five (5) performance indicators in a twelve-month period will also trigger an alert. The Professional Standards Division will follow the same notification process for the affected employee. The employee's Division Commander, Manager, and Supervisor will then follow the same procedures outlined above.

1000.6 INTERVENTION

If intervention is determined to be the course of action, the employee's Supervisor will be responsible for developing a plan. The plan will include specific examples of what performance requires improvement as well as the performance expectations. The plan will also identify the activities, support systems, and resources that will be provided to assist the employee. The Supervisor will consult with the employee to obtain his/her input when developing the intervention plan. The Supervisor, Manager and Commander will determine the amount of time that the intervention plan will be in place. The Supervisor will provide the Manager and Commander with monthly updates on the employee's performance. Intervention may include, but is not limited to: trainings; counseling; departmental changes; or voluntary re-assignments. Training options include, but are not limited to:

- (a) Defensive Tactics;
- (b) Legal Updates;
- (c) Report Writing;
- (d) Anger Management;

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- (e) Cultural Diversity;
- (f) Tactical Communication;
- (g) Driver/Pursuit Training;
- (h) Physical Fitness Training;
- (i) Field Training Program Recertification.

Counseling options include, but are not limited to:

- (a) Supervisor Coaching or Counseling;
- (b) Peer Counseling;
- (c) EAP Referral;
- (d) Referral to Human Resources for additional resources;
- (e) Stress Reduction Training;
- (f) Critical Incident Stress Management;
- (g) Fitness for Duty.

Departmental change options include, but are not limited to:

- (a) Review/Modify Training;
- (b) Review/Modify Policy;
- (c) Equipment Purchase.

Voluntary re-assignment options include, but are not limited to:

- (a) Temporary Voluntary Re-assignment;
- (b) Voluntary Alternate Shift Re-assignment.

Recruitment and Selection

1001.1 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 West Sacramento Police Department and that are promulgated and maintained by the Department of Human Resources & Labor Relations.

1001.2 POLICY

In accordance with applicable federal, state, and local law, the West Sacramento 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 does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department 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.

1001.3 RECRUITMENT

The Commander responsible for Recruitment and Hiring 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, and universities.

The Commander in charge of recruitment shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

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.

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Recruitment and Selection

1001.4 ACCEPTANCE OF APPLICATIONS

The Human Resources Division is responsible for accepting applications; applications with minor omissions or deficiencies that can be corrected prior to the application deadline may not be rejected.

1001.5 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who 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)
 - 1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code §832.12).
 - 2. This includes a review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
- (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.
- (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

Applicants who are not successful in a selection process may re-apply when a position becomes available again in a new recruitment process.

1001.5.1 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).

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1001.6 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 West Sacramento Police Department (11 CCR 1953).

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).

1001.6.1 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).

1001.6.2 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).

1001.6.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Commander responsible for Recruitment and Hiring shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Commander responsible for Recruitment and Hiring 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 Commander responsible for Recruitment and Hiring should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1001.6.4 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 reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation

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Manual. 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).

1001.6.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1001.6.6 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 West Sacramento Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1001.6.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1001.7 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. A candidate that is determined to be ineligible for appointment will be notified in writing within (30) days of determining their ineligibility.

1001.8 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high

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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 Department of Human Resources & Labor Relations should maintain validated standards for all positions.

1001.8.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

- (a) Free of any felony convictions
- (b) Citizen of the United States, or permanent resident eligible for and has applied for citizenship
- (c) At least 21 years of age except as provided by Government Code § 1031.4
- (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, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation 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)
- (i) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
- (j) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

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1001.9 PROBATIONARY PERIODS

The Administration Division Commander should coordinate with the West Sacramento Department of Human Resources & Labor Relations to 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.

PROMOTIONAL AND TRANSFER POLICY

1003.1 PURPOSE AND SCOPE

1003.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

- (a) Present a professional, neat appearance.
- (b) Maintain a physical condition which aids in their performance.

Demonstrate the following traits:

- (a) Emotional stability and maturity
- (b) Stress tolerance
- (c) Sound judgment and decision-making
- (d) Personal integrity and ethical conduct
- (e) Leadership
- (f) Initiative
- (g) Adaptability and flexibility
- (h) Ability to conform to organizational goals and objectives in a positive manner.

1003.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

- (a) Special Enforcement Team member
- (b) Detective
- (c) Motor [Officer/Deputy]
- (d) Accident Investigator
- (e) Field Training Officer
- (f) Community Relations/Training Officer
- (g) D.A.R.E. Officer
- (h) Court Officer

1003.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Three years experience
- (b) Off probation (desired, not mandatory)
- (c) Has shown an expressed interest in the position applied for
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

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- (e) Complete any training required by POST or law

1003.3 SELECTION PROCESS

The following criteria apply to transfers.

- (a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
- (b) The supervisor recommendations will be submitted to the Division Commander for whom the candidate will work. The Division Commander will schedule interviews with each candidate.
- (c) Based on supervisor recommendations and those of the Division Commander after the interview, the Division Commander will submit his/her recommendation(s) to the Chief of Police.
- (d) Appointment by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1003.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the West Sacramento Police Department personnel office. Refer to the City of West Sacramento City Policy for list retention.

1003.5 AGENCY ROLE IN THE PROMOTION PROCESS

The Chief of Police, working in cooperation with the City Human Resource Manager, has responsibility and accountability for the promotion of Department personnel. The Chief of Police, and his/her designee(s), participates in the development and use of measurement instruments to aid in identifying and evaluating the skills, knowledge, and abilities necessary, for employees who are eligible to compete in a promotional process. This process is controlled and approved by the Human Resource Manager and his/her designee. All promotional processes must be approved by the City Manager, per the City of West Sacramento Personnel Rule 3.12.

1003.5.1 AUTHORITY AND RESPONSIBILITY FOR PROMOTIONAL PROCESS

The City Manager, through the Human Resource Manager, maintains the authority and responsibility for the administration of the promotional process in all City departments. The Chief of Police, and his/her designee, shall work cooperatively with the Human Resource Manager throughout the process to ensure compliance with the rules and process outlined for promotion of Department personnel.

1003.6 PROMOTIONAL PROCESS PROCEDURES

The City of West Sacramento, through the Human Resource Manager, announces all upcoming promotional processes through inter or intra-City notification. Employees who meet the eligibility requirements for participating in the process must respond as outlined in the recruitment notification. The minimum requirements for consideration for promotion within the Police

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Department are specifically identified in each recruitment announcement, as determined by the Human Resource Manager and the Chief of Police. The Human Resources Manager, with input from the City Manager and Chief of Police shall be responsible for determining eligibility standards for permitting lateral candidates to apply for promotional positions.

Following existing memoranda of understandings, and/or administrative directives, written promotional tests may comprise a component of the promotional process. Written examinations are coordinated and controlled by the Human Resources Manager and his/her staff, with support and cooperation from Department staff.

If an assessment center is used as a part of the selection process, as with all other promotional testing processes, and consistent with the City Personnel Rules and Regulations, the Human Resources Manager shall be responsible for the development and facilitation of the process. As with other aspects of the promotional process, the Chief of Police will provide input and support to the Manager and his/her staff regarding topic areas and performance dimensions to be tested in the assessment center portion of the selection process.

An oral interview will usually be a required aspect of the selection process for promotional candidates. The Human Resource Manager shall be responsible for the development and facilitation of the oral interview panel. As with other aspects of the promotional process, the Chief of Police will provide input and support to the Manager and his/her staff regarding topic areas to be covered in the oral interview portion of the selection process.

Employees participating in a promotional process may review, and/or appeal, any element of the process with the Human Resource Manager if they feel an adverse action occurred to them because of the process. If the Employee wishes to appeal procedures shall be followed as outlined in the Grievance Procedures in the Police Department MOU and the City Personnel Rules section 4.12. When the Chief of Police learns that a condition existed that jeopardized the validity of a promotional process, he/she must consult with the Human Resources Manager and the City Manager prior to re administering one or more elements of the process. This may include re application, re testing, and/or reevaluation of the candidates.

Promotional candidates may reapply and retest whenever subsequent tests are given.

The Human Resource Manager shall maintain the security of all promotional materials.

1003.6.1 PROMOTIONAL PROCESS TO BE JOB RELATED AND NON-DISCRIMINATORY

Promotional processes and their individual components and elements are subject to statistical proof and documentation to satisfy professional, legal, and administrative requirements. This is to ensure the validity of the process. All promotional processes are designed to be job related and non-discriminatory. All circumstances concerning the evaluation of test validity are considered including any adverse impact when one or more components of the process are out of date. Component changes may be necessary due to reclassification of positions, new technology, or new skills necessary to successfully perform a job.

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Test components are evaluated to ensure that the elements of the process measure skills, knowledge, abilities and traits necessary to do the job.

1003.6.2 WRITTEN ANNOUNCEMENTS OF PROMOTIONAL PROCESS

When a vacancy, or the anticipation of a vacancy, exists in a classification that mandates using the promotional process, the Chief of Police requests that the Human Resource Manager initiate a promotional process, with the approval of the City Manager. The recruitment announcement contains the following information:

- The minimum eligibility requirements to participate in the process.
- The classification in which the promotional opportunity exists.
- The cutoff date for notice of intent.

Included in the order is instruction for qualified/eligible employees must complete and submit the application package to Human Resources for review of the employee's minimum requirements to participate in the promotional process.

1003.6.3 PROMOTIONAL ELIGIBILITY LISTS

The Human Resource Manager established an eligibility list compiled based on the rating criteria outlined for each component of the testing process as described in the promotional announcement. These criteria can include time in grade/and or time in rank requirements. Per City administrative policy, the Human Resources Manager will forward a list of five qualified candidates to the Chief of Police for consideration for appointment.

The Chief of Police may then select the most qualified candidate from the list of five (5) provided to the Department by the Human Resources Manager. If no qualified candidate is selected by the Chief of Police, additional candidates can be requested from the candidate list maintained by the Human Resources Manager.

Promotional eligibility lists expire one (1) year from the date of certification by the Human Resources Manager. However, the Chief of Police, may request an extension of the list from the City Manager, if needed and appropriate.

1003.7 PROMOTED EMPLOYEE'S PROBATIONARY PERIODS

Any permanent employee who is promoted becomes a probationary employee upon the date of the promotion, and remains so until they have successfully completed the probationary period of six (6) months.

If the probationary employee fails to demonstrate that he/she can competently meet the standards of performance for the new classification within the probationary period, he shall be entitled to return to the position from which he was promoted provided he held permanent status in such position and a vacancy exists.

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If the employee was not accorded permanent status for any reason other than the inability to perform the duties of the new position, he shall not be entitled to be restored to the position from which he was promoted.

Evaluation of Employees

1005.1 PURPOSE AND SCOPE

The West Sacramento Police 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.

1005.2 POLICY

The West Sacramento 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 sex, race, color, national origin, religion, age, disability or other protected classes.

1005.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time (see City Personnel Rules 3.10) and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input. All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise. Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues.

Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1005.4 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered under the Reserve Officers Policy (See policy 349.5.6).

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Evaluation of Employees

1005.5 FULL-TIME NEW HIRES/ PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees.. Civilian newly hired personnel perform the actual duties of their given position from their start date. Civilian newly hired employees will receive a performance review quarterly for a period of not less than one year. When probationary status is terminated and the civilian employee gains full time permanent status, evaluations will then be done at 1 year intervals.

Entry level newly hired sworn personnel are on probation for 18 months, lateral officers for 12 months, before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period. Typically sworn new hire employees complete their Field Training within 4 to 6 months. After field training is completed the Officer assumes the actual duties of the sworn position and will be evaluated quarterly for a period not less than one year. When probationary status is terminated and the sworn employee gains full time permanent status evaluations will be done at 1 year intervals.

1005.6 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six 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.

1005.7 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:

Outstanding - Is actual performance well beyond that required for the position? It is exceptional performance, definitely superior or extraordinary.

Exceeds Standards - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

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Needs Improvement - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1005.8 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. Employees may also write comments in the Employee Comments section of the performance evaluation report.

1005.9 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.

1005.10 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.

Anti-Retaliation

1009.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members 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 members.

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 members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1009.2 POLICY

The West Sacramento Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members 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.

1009.3 RETALIATION PROHIBITED

No member 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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Anti-Retaliation

1009.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1009.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources and Labor Relations.

Members 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. Members 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 member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member'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 member is part of the investigative process.

1009.5 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 member 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 member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1009.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

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 members 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.

1009.7 WHISTLE-BLOWING

California law protects members 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 member's supervisor or any other member with the authority to investigate the reported violation.
- (b) Provide information or testify before a public body if the member 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. Members 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.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members 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 Professional Standards Bureau for investigation pursuant to the Personnel Complaints Policy.

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Anti-Retaliation

1009.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members 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).

1009.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1009.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

Reporting of Employee Convictions

1011.1 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.

1011.2 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 members 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.

1011.3 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 contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

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 members of this department may be inherently in conflict with law enforcement duties and the public trust.

1011.4 REPORTING PROCEDURE

All members 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 members 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 officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

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Reporting of Employee Convictions

Any member 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 member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1011.5 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. Employees 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 or ammunition as a part of the individual's 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.

1011.5.1 NOTIFICATION REQUIREMENTS

The Administration Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a 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 Administration Division Commander shall submit within 10 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).

Drug- and Alcohol-Free Workplace

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1013.1.1 DRUG-FREE WORKPLACE POLICY

The City of West Sacramento makes every effort to continuously provide a drug-free workplace. The City prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Infractions of this policy are violations of rules and are subject to the disciplinary process, up to and including termination. The City of West Sacramento recognizes the California Health and Safety Code definition of controlled substances.

The Chief of Police expects every employee to fully comply with this policy as a continuing condition of employment. Any employee convicted of a criminal drug statute must report such conviction to the Chief of Police within five calendar days of the date of conviction. Note: This policy statement does not alter the Police Department rules or disciplinary procedures.

The Police Department will comply with the City of West Sacramento Administrative Policy II-C-1 - Drug Free Workplace Policy. This policy complies with the Drug Free Workplace Act of 1988.

1013.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1013.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members 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 members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1013.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member 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 the member's abilities, without a written release from the member's physician.

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1013.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis on-duty is prohibited and may lead to disciplinary action.

1013.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises 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.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members 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).

1013.5 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 Department of Human Resources & Labor Relations, 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.

1013.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1013.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.

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- (b) The employee discharges a firearm in the performance of the employee's duties (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of the employee's duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1013.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require 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.

1013.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee:

- (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 the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee's name.

1013.8 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 a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1013.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. 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 member involved or pursuant to lawful process.

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.

Sick Leave

1015.1 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.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1015.2 POLICY

It is the policy of the West Sacramento Police Department to provide eligible employees with a sick leave benefit.

1015.3 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 a member's non-working hours when it is reasonable to do so.

1015.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member 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, members 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.

1015.4 EXTENDED ABSENCE

Members 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

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to work. Members 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.

1015.5 REQUIRED NOTICES

The Director of Human Resources and Labor Relations 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.

1015.6 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 Department of Human Resources & Labor Relations as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the member's performance or ability to complete assigned duties.
 - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

Communicable Diseases

1017.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1017.1.1 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 West Sacramento Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1017.2 POLICY

The West Sacramento Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1017.3 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 members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member'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 member exposures (Penal Code § 7510).
 5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
 6. Informing members 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 members 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).
- (g) Coordination with the Department of Human Resources & Labor Relations to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

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).

1017.4 EXPOSURE PREVENTION AND MITIGATION

1017.4.1 GENERAL PRECAUTIONS

All members 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.

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- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (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.

1017.4.2 IMMUNIZATIONS

Members 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).

1017.5 POST EXPOSURE

1017.5.1 INITIAL POST-EXPOSURE STEPS

Members 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.

1017.5.2 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

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- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (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)

The supervisor shall advise the member 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).

1017.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members 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 member has been informed of the results of the evaluation.
- (b) Whether the member 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.

1017.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1017.5.5 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 member 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 member'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 member 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 member 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.

1017.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member'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.

1017.7 TRAINING

All members 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.

Respiratory Protection Program

1018.1 PURPOSE AND SCOPE

The Respiratory Protection Program encompasses equipment selection, medical screening, fit testing, training, use and maintenance of respirators to be used by the following types of sworn and non-sworn personnel subject to working in the following types of conditions.

- (a) Personnel who are issued respirators to be used for escape from hazardous atmospheres.
- (b) Personnel who are issued respirators to be used while maintaining perimeters at hazardous materials incidents. These are officers who will be stationed in the support ("cold" or "green") zone, where contaminants are not expected to exceed levels deemed safe for unprotected persons, as determined by the incident commander.
- (c) Personnel who are issued respirators for use in maintaining the perimeter at crowd-control incidents where chemical agents (e.g., CS or CN tear gas) are used.
- (d) Personnel who are issued respirators to prevent exposure to tuberculosis and other serious airborne respiratory infections due to sustained contact with, or transport of, persons who are suspected of carrying an active infection with a serious airborne respiratory disease (such as tuberculosis).
- (e) Personnel who, in exigent or emergency situations, are required to enter an area where CS, CN, smoke, or other tearing agents have been expelled.

Note: In these situations the incident commander, or officer in charge, shall ensure that the levels of contamination do not exceed the tearing agent manufacturer's recommendation for safe operation, or the NIOSH maximum concentration for use (MUC), prior to entry. As of 10/1/03, the MUC for CN is 15mg/M3 and the MUC for CS is 2 mg/M3.

Agencies should have written policies on the type, amount and vehicle of release of the agents following manufacturer's recommended guidelines. These policies shall be specific for indoor, outdoor and semi-contained (stadium type) situations.

1018.2 PROGRAM ADMINISTRATION

A respiratory protection program administrator will be designated to oversee this program. This appointment will be at the discretion of the Chief of Police. Employees of the department will be made aware of the Program Administrator. The Program Administrator shall be knowledgeable about the requirements of Section 5144 of Title 8 of the California Code of Regulations and all elements of the respiratory protection program. The Administrator will be responsible for assuring implementation of all elements of this program.

The program administrator is responsible for ensuring that all general duty personnel designated to use respirators are included in this program, and that the program is implemented in a consistent manner throughout the agency.

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1018.3 APPROVED EQUIPMENT

All respiratory protective equipment shall be approved by the National Institute for Occupational Safety and Health (NIOSH) for the environment in which it is going to be used. The following definitions apply to equipment that will be issued to officers under this program:

- (a) Air-purifying respirator (APR) means a respirator that works by removing gas, vapor, or particulate, or combinations of gas, vapor, and/or particulate from the air through the use of filters, cartridges, or canisters that have been tested and approved for use in specific types of contaminated atmospheres by NIOSH. This respirator does not supply oxygen and therefore cannot be used to enter an atmosphere that is oxygen deficient.
- (b) Powered air-purifying respirator (PAPR) means air-purifying respirator that uses a blower to force ambient air through air-purifying elements to the respirator face piece or hood.
- (c) Self Contained Breathing Apparatus (SCBA) means provide clean air from an uncontaminated source. The SCBA consists of a tight fitting face piece and pressurized breathing air cylinder.
- (d) All personnel whom are subject to operating in environments described in Section A.1.5 will be issued an APR. These personnel include but are not limited to: Police Officers, Police Sergeants, Police Lieutenants, Detectives and Crime Scene Investigators.
- (e) Personnel assigned to the Special Weapons and Tactics team (SWAT) and the Explosive Ordinance Detail (EOD) will have access to the use of PAPR units compatible with issued APR's.
- (f) Personnel assigned to the Special Weapons and Tactics team (SWAT) Explosive Ordinance Detail (EOD) will be issued face approved face pieces to be worn with a Self-Contained Breathing Apparatus.

1018.4 RESPIRATOR SELECTION

Agencies shall maintain records on the type of equipment provided to employees and under what circumstances the equipment is to be used. Recommended Equipment Use Chart

Respirator Use	Respirator Type	Manufacturer/Model
Escape from chem/ bionuclear incidents	CBRN approved escape hood	MSA Millennium CBRN Mask
Perimeter Hazmat incidents with specific industrial chemicals	Full face piece (NOISH approval TC14G) combination cartridge or as specified by hazmat incident commander	MSA Millennium CBRN Mask
Perimeter Chemo/ Bio/ Nuclear Incident	Full face piece with CBRN approval	MSA Millennium CBRN Mask

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Perimeter crowd control (CS or CN tear gas)	Full face piece (gas mask), TC 14G chloracetophenone cartridge or canister (combination organic vapor/particulate)	MSA Millennium CBRN Mask
Activation within crowd control area (CS or CN tear gas)	Full face piece (gas mask) TC 14G chloracetophenone cartridge or canister (combination organic vapor/particulate)	MSA Millennium CBRN Mask
Respiratory illness (TB, SARS, etc.)	N-95 particulate respirator TC-84A	Gerson 1730

- (a) Powered Air Purifying Respirators Personnel who are covered in this program will be made available the use of Powered Air Purifying Respirators (PAPR) under the following conditions:
- (b) Personnel assigned to SWAT and EOD.
- (c) The physician or other licensed health care professional (PLHCP) recommends the use of a PAPR for medical reasons.
- (d) Personnel assigned to EOD are required to conduct entry operations in a warm or hot zones wearing CBRN approved Self Contained Breathing Apparatus (SCBA).
- (e) Personnel assigned to EOD will be provided with a Scott and an Interspiro SCBA mask in coordination with SCBA's used by area Hazardous Materials Response Teams. These masks will be issued by the Yolo County Bomb Squad.
- (f) Personnel assigned to SWAT will be assigned a Scott face piece to be worn with an SCBA at the direction of the SWAT Commander.

1018.5 MEDICAL EVALUATION

- (a) Personnel are considered medically qualified to use respiratory protective equipment after completing the POST Medical History Statement (POST 2-252) or its equivalent and successfully passing a physical examination that occurs as a condition of employment. The pre-employment physical must meet or exceed the standards described in the POST Medical Screening Manual for California Law Enforcement.
- (b) Employees who were hired prior to the implementation of the POST Medical History Statement (POST 2-252) shall complete the Cal/OSHA medical questionnaire and department medical personnel shall review it.
- (c) Medical evaluations are required for any officer when:
- (d) An employee reports medical signs or symptoms that are related to the ability to use a respirator,
- (e) A physician or other licensed health care professional (PLHCP), a supervisor, or the Program Administrator informs the agency that an employee needs to be reevaluated,

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- (f) Observations made during fit testing and program evaluation indicate a need for re-evaluation, or
- (g) A change occurs in workplace conditions (e.g., physical work effort, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on an employee.

1018.6 FIT TESTING

Fit test procedures shall be in accordance with Appendix A of Section 5144 of Title 8 of the California Code of Regulations.

- (a) Before an officer is required to use any respirator with a tight-fitting face piece (APR/PAPR), the officer must be fit tested with the same make, model, style, and size of respirator to be used. Officers shall be provided with a sufficient number of respirator models and sizes so that he/she may select an acceptable face piece.
- (b) Fit tests shall be provided at the time of initial assignment and at least annually thereafter. Additional fit tests shall be provided whenever the officer, employer, PLHCP, supervisor, or program administrator makes visual observations of changes in the officer's physical condition that could affect respirator fit. These conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.
- (c) The person who administers the fit test shall complete fit test training. Agencies may accomplish this training through their fire agency, OSHA, or the manufacturer of the equipment. Documentation of all training must be maintained in the department program records. All personnel qualified to fit-test must keep up to date on their training.
- (d) Prior to the fit test, the officer shall be shown the proper procedures for donning a respirator. The officer shall demonstrate donning the respirator, adjust the straps, and perform positive and negative pressure fit checks.
- (e) Respirators with tight-fitting face pieces do not seal properly when facial hair comes between the sealing surface of the face piece and the face, or when it interferes with valve function. Therefore, any employee who has facial hair that interferes with sealing surfaces must trim or shave the facial hair to a level necessary to pass the test.
- (f) Personnel whom wear corrective glasses or other personal protective equipment must be sure that such equipment is worn in a manner that does not interfere with the face piece seal. The glasses or personal protective equipment that must be worn with the respirator shall be taken to the fit-test assessment and worn during the test.
- (g) Officers who are issued tight-fitting face piece gas/vapor air purifying respirators (gas masks) shall be provided with either a qualitative (employee response to test agent) or quantitative (numerical measurement of leakage) method fit test. Agencies must

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indicate in their department program records which test was utilized and the results of the tests.

- (h) Personnel assigned to EOD will be required to fit test on each assigned SCBA masks issued by the Yolo County Bomb Squad. Personnel assigned to SWAT will be required to fit test on their assigned Scott SCBA mask.

Smoking and Tobacco Use

1019.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in West Sacramento 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.

1019.2 POLICY

The West Sacramento 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 members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1019.2.1 TOBACCO POLICY

It is the policy of the Police Department to provide a safe and healthful working environment for its employees and to prevent them from experiencing any unnecessary physical discomfort while at work. The Surgeon General has determined that smoking does cause cancer, and this same potential exists from ambient tobacco smoke. Additional hazards may exist for those persons who suffer from heart and respiratory diseases or allergies. This policy applies to all employees, contractors and visitors to provide a tobacco free environment and to promote "fire prevention and safety" for those working in or visiting department facilities.

The City of West Sacramento is an entirely tobacco free workplace. There will be no smoking or use of any tobacco product in police facilities by employees of, or visitors to the Department.

There will be no smoking or use of any tobacco product in city-owned or city-operated vehicles.

The use of tobacco products is prohibited while in direct contact with members of the public.

Tobacco products include cigarettes, cigars, pipes, chewing tobacco, snuff, and any other items containing or reasonably resembling tobacco or tobacco products. Tobacco use includes smoking, chewing, dipping, or any other use of tobacco products.

1019.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the West Sacramento Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

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1019.4 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.).

1019.4.1 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).

Personnel Complaints

1021.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the West Sacramento Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1021.2 POLICY

The West Sacramento Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

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.

1021.3 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.

1021.3.1 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 by a supervisor of rank greater than the accused member.

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 member or referred to the Professional Standards Bureau, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Bureau, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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1021.3.2 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 member 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.

1021.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1021.4.1 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.

1021.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member 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 member 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 the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

Upon receipt of all complaints, the Professional Standards Unit Sergeant will send the complainant a letter confirming the receipt of the complaint and a schedule for further status notifications.

1021.4.3 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).

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1021.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1021.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

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.

All department complaints will be entered into the Blue Team system for tracking. On a quarterly basis all department complaints will be reviewed by the Use of Force Board and compiled into a report that is reviewed and signed by the Chief of Police.

1021.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1021.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

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.
 - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. 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 member'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.

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1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
 2. 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 Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources & Labor Relations 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.
- (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 member are followed (Government Code § 3303 et seq.).
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1021.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Bureau, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

- (a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
- (b) Unless waived by the member, interviews of an accused member shall be at the West Sacramento Police Department or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused member.
- (d) Prior to any interview, a member 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.

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- (e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
- (f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any member 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) A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member 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).
 - (b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
- (i) All members 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 members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (j) All members shall provide forthright and honest responses to questions posed during interviews.
- (k) No member 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).

1021.6.3 INVESTIGATIVE IDENTIFICATION OF EMPLOYEES

An investigator may require an employee to participate in a lineup and/or submit to photographs for purposes of identification if probable cause exists to believe the employee has involvement in a criminal offense and the evidence is material to the investigation.

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1021.6.4 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Summary of Complaint- Provide a brief summary of the facts giving rise to the investigation.

Allegations- List the allegations separately, including applicable policy sections.

Investigation- Comprehensive documentation detailing the steps taken in the investigation including summaries of witness and subject statements.

Evidence- List relevant evidence contained in investigation file.

Conclusion- Summarize conclusive evidence and/or information and recommend further action, i.e.; *forward to Lt. Smith for review and findings.*

1021.6.5 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 members. 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 member.

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 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.

1021.6.6 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.

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At the completion of any complaint investigation notification of completion and a disposition of the investigation will be sent to the complainant by the Professional Standards Sergeant.

1021.7 ADMINISTRATIVE SEARCHES

An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

- (a) When the employee, whether on or off duty, is involved in a shooting or police related death;
- (b) When the employee is involved in an injury or fatal accident while on duty;
- (c) When the employee is involved in an injury or fatal accident while operating any City owned vehicle whether on or off duty;
- (d) When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

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 member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1021.7.1 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

1021.8 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.

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- (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.

1021.9 CRIMINAL INVESTIGATION

Where a member 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 a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The West Sacramento Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1021.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1021.10.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1021.10.2 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.

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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 member 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 member 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 member, the Chief of Police may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member 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 member 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.

1021.10.3 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(f)).

1021.10.4 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)).

1021.11 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.

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- (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.

1021.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member 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 (Penal Code § 13510.8).

1021.13 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).

1021.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members 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.

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1021.15 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.

1021.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

- (a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
 - 1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
- (b) Events that could affect an officer's POST certification, such as:
 - 1. Complaints, charges, or allegations of misconduct
 - 2. Findings of civilian review boards
 - 3. Final dispositions of any investigations
 - 4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the West Sacramento Police Department based on allegations of conduct by an officer

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).

Seat Belts

1023.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1023.1.1 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.

1023.2 WEARING OF SAFETY RESTRAINTS

All members 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 member driving such a vehicle shall ensure that all other occupants, including non-members, 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. Members must be prepared to justify any deviation from this requirement.

1023.3 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.

1023.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1023.5 POLICY

It is the policy of the West Sacramento Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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Seat Belts

1023.6 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 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).

1023.7 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.

1023.8 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.

Body Armor

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1025.2 POLICY

It is the policy of the West Sacramento Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1025.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the West Sacramento Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1025.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

- (a) Officers shall only wear agency-approved body armor.
- (b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.
- (c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.
- (d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.
- (e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.
- (f) All staff involved in pre-planned high risk events (search and arrest warrants, response to civil unrest, etc.) shall wear body armor.

1025.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

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1025.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1025.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates officers about the safety benefits of wearing body armor.

Personnel Records

1027.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1027.2 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).

1027.3 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 members, educational and employment history, or similar information. A photograph of the member 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 retained.
- (e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).
 - 1. 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 four years (Government Code § 12946).
 - 2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).
 - 3. A civilian's complaint involving misconduct that was not sustained 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 member has had the opportunity to read and initial the comment (Government Code § 3305).
 - 1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
 - 2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member 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 member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member'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.

1027.4 DIVISION FILE

Division files may be separately maintained internally by a member'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.

Division files shall be destroyed after (1) year or completion of performance evaluation.

1027.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member's training file.

1027.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Bureau 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 Professional Standards Bureau supervisor. The Professional Standards Sergeant has the authority to report directly to the Chief of Police when necessary.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

- (a) Not sustained

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- (b) Unfounded
- (c) Exonerated

Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that 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 four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1027.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member'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 a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1027.8 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 Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1027.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

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Upon receipt of any such request, the responsible person shall notify the affected member 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.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1027.8.2 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 member 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 member 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 member (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).

1027.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1027.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection through a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1027.9 MEMBERS' ACCESS TO HIS/HER OWN PERSONNEL RECORDS

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member 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 member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response

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from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (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 member 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 member that may be discovered in a judicial proceeding.

1027.10 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 member'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 member'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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1027.11 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 Professional Standards Bureau 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)(3):

- 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, 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)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

- (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.
 3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
 4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
- (b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

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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 false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

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)(4)).

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)(5). 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 finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1027.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

- (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 whistleblowers, complainants, victims, 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 possible misconduct and 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

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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)(7)).

1027.11.2 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 qualifying records 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 misconduct or 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 engaged in misconduct or used the force.
- (b) Filed criminal charges
 - 1. When charges are filed related to an incident in which misconduct occurred or 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:
 - (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1027.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, 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

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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 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 misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department 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)(8)).

Fitness for Duty

1033.1 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).

1033.2 EMPLOYEE RESPONSIBILITIES

- (a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
- (b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1033.3 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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1033.4 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.

1033.5 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.

1033.6 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 Department of Human Resources & Labor Relations 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. Any failure to comply with such an order and any failure to cooperate with the

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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.

1033.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1033.8 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.

Lactation Break Policy

1036.1 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 (Labor Code § 1034).

1036.2 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; Labor Code § 1030).

1036.3 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 Yolo Emergency Communications Agency 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.

1036.4 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; 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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1036.5 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.

1036.5.1 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 member 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).

Overtime Policy

1040.1 PURPOSE AND SCOPE

The West Sacramento Police Department recognizes the need for the use of overtime in order to maintain appropriate patrol staffing levels as well as safety and security during emergencies, critical incidents and special events. The Department also recognizes the need to provide the necessary oversight in the use of overtime to maximize the efficient use of those funds.

1040.2 USE OF OVERTIME

Overtime may be used when necessary to meet staffing needs, accommodate training, court appearances and support special events and critical incidents. It will be the responsibility of supervisors to ensure that the usage of overtime is consistent with this policy and used in an efficient manner.

1040.3 APPROVAL CRITERIA

The below listed guidelines are to be used by supervisors in their efforts to ensure that overtime is authorized only when needed and necessary to accomplish Departmental needs.

- (a) Limit discretionary time off to the established numbers listed in Lexipol Policy 216 (Patrol Staffing/Time Off Policy), so staffing does not fall below minimum levels.
- (b) If overtime becomes necessary, adhere to the minimum staffing levels and only utilize the number of officers needed to meet the established minimum staffing level.
- (c) Restrict overtime for report writing to in-custody felony offenses. Officers should not write reports on overtime unless it is a felony in-custody arrest or they are at the end of their work week and the report must be completed before they begin their days off cycle. Training officers will complete trainee evaluations during regular shift hours. Supervisors may relieve officers or FTOs from field duties to ensure reports are completed prior to the end of the shift.
- (d) Schedule training, meetings, range qualification and other duties during officer's regular shift hours whenever possible. Work hours may be adjusted with prior notice so that these are accomplished without the use of overtime.
- (e) Specialty units such as SWAT, K-9, EOD and Motors will train during regular duty days. Training time will be considered regular time. Response to call outs is subject to the approval of the on-duty Patrol Sergeant or Incident Commander.

1040.4 VOLUNTARY OVERTIME SIGN-UP

The preferred method for filling a vacancy for a patrol shift and/or special event, in advance of the actual date, is by the use of voluntary sign-ups. Prior to the date of the anticipated vacancy, a sign-up sheet will be posted in the patrol briefing book by the supervisor, providing officers with an opportunity to sign up for the available overtime. Officers will sign up on a first come, first serve

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basis. Officers who sign up for overtime slots are responsible for them and must find a replacement if they cannot fulfill their overtime obligation.

1040.5 MANDATORY OVERTIME

There will be times when overtime must be assigned and fulfilling the overtime assignment is mandatory. Situations that would generate a mandatory overtime assignment would be:

- Any emergency or critical incident where staffing levels are insufficient.
- Any event in which an officer possesses specialized training, experience or equipment needed for an emergency, critical incident or special event.
- Any occasion where staffing falls below the minimum required levels.
- Any incident or event deemed appropriate at the direction of the Chief of Police or designee.

1040.6 ASSIGNMENT OF OVERTIME

When overtime is assigned on a mandatory basis, supervisors should consider the following factors when assigning overtime:

- Seniority
- Overtime worked during pay period.
- Training or equipment necessary for the success of an event or incident.
- Amount of overtime worked by others during the pay period.
- Specific needs or requests for an event or incident.

1040.7 AMOUNT OF OVERTIME WORKED

Without the approval of a Patrol Sergeant or designee, the maximum work day will consist of no more than 16 hours in any 24 hour time period during a scheduled work week. This means actual time worked and can be comprised solely of overtime hours or a combination of regular time and overtime hours. Departmental training and actual time in court will be included in the calculations of time worked.

- (a) Without the approval of a Patrol Sergeant or designee, employees will work no more than 20 hours of overtime during their regular days off cycle. Time worked means actual time spent on a shift, detail or event for the benefit of the Department.
- (b) In the event of an emergency or exigency, the aforementioned provisions can be waived at the direction of the Chief of Police or designee.

Outside Employment

1041.1 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.

1041.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1041.2 OBTAINING APPROVAL

No member 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)).

1041.2.1 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).

1041.2.2 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

1041.3 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 a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department
- (d) Involves time demands that would render performance of the employee's duties for this department less efficient

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1041.3.1 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 member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief 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.

1041.3.2 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.

1041.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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1041.4 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.

1041.4.1 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.

1041.5 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 channels. 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.

1041.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members 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 immediate supervisor 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.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

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- (a) The outside employment is medically detrimental to the total recovery of the disabled member, 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 member.
- (c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the West Sacramento Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

Occupational Disease and Work-Related Injury Reporting

1043.1 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.

1043.1.1 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.).

1043.2 POLICY

The West Sacramento 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.).

1043.3 RESPONSIBILITIES

1043.3.1 MEMBER RESPONSIBILITIES

Any member 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).

1043.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. 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.

1043.3.3 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 Administration 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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1043.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources & Labor Relations. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1043.4 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 Administration Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1043.5 SETTLEMENT OFFERS

When a member 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 member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1043.5.1 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 member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member 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.

Personal Appearance Standards

1045.1 PURPOSE AND SCOPE

This policy will be in effect for a trial period until December 31st, 2022.

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment

1045.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues or there are cultural/religious, gender considerations (i.e. transitioning or non-binary members) or medical exemptions, 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.

1045.2.1 HAIR

Hairstyles of all members shall be neat in appearance. Hair must be styled in such a manner that it does not interfere with any uniform headgear or any specialized equipment. Hair must not interfere with officer safety or effectiveness.

(a) Uniformed members

1. Hair must not extend below the top edge of the uniform collar while assuming a normal stance.
2. When a hat is worn, hair shall continue to be neat in appearance.
3. Bangs, if worn, shall not fall below the eyebrows.
4. Long hair must be worn in a tightly wrapped braid, bun or short pony tail towards the back of the head. The overall length of the ponytail shall not exceed three inches below the bottom of the uniform collar while assuming a normal stance.
5. No decorative hair accessories shall be worn in the hair. However, clips or pins that are the same color as the hair may be worn.

(b) Professional Staff members

1. Hair may be worn loose in reasonable length, unless it is determined by a department supervisor/manager that the length interferes with th ability to do their tasks.

(c) Hair Color

1. Hair shall be of a natural color and present a well-groomed appearance.
2. Dyed, tinted or bleached hair must be within a naturally occurring color range. For purposes of this policy, the naturally occurring hair color range does not include colors such as pink, burgundy, blue, purple, green, etc.

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3. Wigs or hair pieces shall be a natural occurring hair color and in compliance with this policy.

1045.2.2 FACIAL HAIR

A short and neatly trimmed mustache, beard or goatee may be worn by all department members.

1045.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1045.2.4 FINGERNAILS

(a) Uniformed members

1. 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.
2. Finger nail color must be neat and clean with no distinguishable chips or scratches.

1045.2.5 JEWELRY

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 member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Uniformed members

1. Necklaces shall not be visible above the shirt collar.
2. Earrings shall be small and worn only in or on the earlobe.
3. One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
4. One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
5. Wristwatches shall be conservative and present a professional image.
6. Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

1045.3 TATTOOS

**** Policy currently under review****

While on-duty or representing the Department in any official capacity, members may not display tattoos or other body art on designated portions of the body.

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1045.4 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.

Piercings on the face or body shall not be worn or visible while on duty for uniformed personnel.

1045.5 SUPERVISOR RESPONSIBILITIES

It is the responsibility of supervisors/managers at all levels to exercise good judgment when enforcing grooming standards. Supervisors/managers shall ensure that members conform to the department's grooming standards and shall take corrective action if a member is not in compliance.

1045.6 EXEMPTIONS

Members 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). A member 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 a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

Nepotism and Conflicting Relationships

1051.1 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 members 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.

1051.1.1 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 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.

1051.2 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)):

- (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 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) 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.

1051.2.1 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 their 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 their 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.

1051.2.2 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.

Department Badges

1054.1 PURPOSE AND SCOPE

The West Sacramento Police Department badge and uniform patch as well as the likeness of these items and the name of the West Sacramento Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1054.2 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.

1054.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

- (a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the West Sacramento 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 officer may keep his/her flat badge upon retirement.
- (d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1054.2.2 NON-SWORN 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.

1054.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses

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of the badge may be unlawful or in violation of this policy. Any badge purchased from the Police Department must be engraved with language identifying the badge as retired or decommissioned.

1054.2.4 REQUESTS TO VIEW PERSONNEL IDENTIFICATION

Sworn members of the department shall provide their official Police Department identification upon request while on duty or in uniform. If a sworn member is not in uniform and has identified himself/herself as a police officer the member shall provide his/her identification upon request. The identification should only be provided at a point in time that does not compromise the safety of the officer. Officers should consider summoning a supervisor to their location if a member of the public is adamant about the officer producing their identification prior to complying with officer orders.

Any sworn member working in an undercover capacity is not required to provide official identification upon request.

Non-sworn members shall provide their official Police Department identification upon request while on duty or in uniform.

1054.2.5 PURCHASE OF DEPARTMENT BADGE UPON SEPARATION

The following criteria will be considered in the authorization to grant the purchase of an employee's badge upon separation from the Police Department:

- The employee must have separated in good standing with the department
 - Separation in lieu of discipline is not considered a separation in good standing
- Continuous service with the department for more than 10 years

Requests from employees that have less than 10 years of service will be denied. Considerations will be given for employees that have less than 10 years for circumstances such as medical retirement, at the discretion of the Chief of Police.

Any badge purchased from the Police Department must be encased in Lucite.

1054.3 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 non-sworn 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.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Department Badges

1054.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed 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 West Sacramento 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 expressed approval of the Chief of Police.

Temporary Modified-Duty Assignments

1056.1 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.

1056.2 POLICY

Subject to operational considerations, the West Sacramento 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.

1056.3 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 West Sacramento 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 the 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.

1056.4 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 the authorized designee shall confer with the Department of Human Resources & Labor Relations 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 Watch Commander or Division Commander, with notice to the Chief of Police.

1056.5 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.

1056.5.1 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 of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their supervisors 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.

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1056.5.2 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.

1056.6 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.

1056.7 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.

1056.7.1 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.

1056.8 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.

1056.9 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

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who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

Employee Speech, Expression and Social Networking

1059.1 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.

1059.1.1 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.

1059.2 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 West Sacramento 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.

1059.3 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 West Sacramento 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 associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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- 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.

1059.4 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 West Sacramento 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 West Sacramento Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the West Sacramento 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 West Sacramento 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.

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- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the West Sacramento 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).

1059.4.1 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 West Sacramento Police Department or identify themselves in any way that could be reasonably perceived as representing the West Sacramento 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 West Sacramento 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

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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 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).

1059.5 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).

1059.6 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.

1059.7 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.

Departmental Awards

1060.1 AWARDS PROCEDURES AND DEFINITIONS

1. Procedures for Submitting Nominations

- (a) Recommendations for awards may come from any individual within or outside the department.
- b. The recommendation must include an accurate account of the nominee's action and the suggested award.
- c. Nominations from within the department must be prepared in the standard department memorandum format and must be accompanied by all supporting documents and endorsed through the chain of command to the Deputy Chief. The Deputy Chief will provide nomination requests to the Awards Committee Chairperson. Nominations from outside the Department may be in letterform. A Department memorandum will be initialed as a cover from for all nominations received from outside the Department.
- d. Community members being recognized for exceptional service will be presented with a Certificate of Appreciation by the Chief of Police. News media may be invited to the presentation.

2. Awards Committee

- (a) An Awards Committee consisting of six members will be established. Each member will serve on the committee for a period of one year. The Committee will be comprised of the following members: One representative from the Lieutenant ranks; One representative from the Sergeant ranks; Three representatives from the Police Officer ranks; and, One non-sworn representative.
- (b) The Committee will be responsible for evaluating recommendations for awards and recommending appropriate action to the Chief of Police.
- (c) Awards Committee Representatives will be determined by requesting the names of members from each classification category who will serve on the Committee. The Lieutenant will chair the Awards Committee.
- (d) The Committee will meet as needed to review commendation nominations. At least four of the six representatives must be present to vote on proposed commendations. Each representative will have one vote.

3. Awards Committee Procedures

- (a) The Committee Chairperson will convene the Awards Committee to review all recommendations for completeness and accuracy. The recommendation may be returned to the originator if further information is needed.
- (b) The Awards Committee will evaluate the basis of nomination for the awards from all nominations submitted, and will recommend which type of award is merited. The Committee may also conduct any necessary additional investigation of the incident and should provide, to the initiating supervisor, an explanation for any disapproval.
- (c) The Awards Committee may reject or approve nominations. Those approved will be forwarded to the Chief of Police for approval. The Chief of Police may disapprove the Committee's recommendations; however, if this occurs, the Committee and the Chief will meet to discuss the recommendation.

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- (d) Any member of the Committee may request to be excluded in consideration of a nominee for an award if the member feels biased or prejudiced toward the nominee. The Committee may require a member be excluded from voting due to a conflict of interest.

4. Classification of Awards and Commendations

- (a) The following departmental awards are hereby established and will be presented to those department members, employees or citizens in accordance with the criteria established for each award:
- **Medal of Valor:** This medal is awarded to any employee who displays great personal courage, while fully aware of imminent personal peril or loss of life or great bodily injury.
 - **Meritorious Service Medal:** This medal is awarded to any employee who displays exceptional dedication to duty in pursuit of a worthwhile objective, which requires courage and is knowingly done with risk of injury.
 - **Major Incident Ribbon:** This ribbon is awarded for participation in a major critical incident. Such an event is typically described as an unplanned event which required extraordinary resources, responses, and personnel in order to respond to an unplanned event which placed individuals (other employees &/or the general public) in harm's way.
 - **Purple Heart:** The Purple Heart is awarded to officers of the Department who have sustained traumatic physical injury during an on-duty tactical situation and posthumously to the next of kin in the name of those who are killed or die of wounds received in the line of duty.
 - **Lifesaving Medal:** This medal is awarded to any employee who saves a life by direct action performed under conditions requiring bravery or exposure to danger or by performance above and beyond the normal call of duty. Recommendations for this award should usually be accompanied by medical or eyewitness testimony.
 - **Exceptional Performance Ribbon:** This ribbon is Awarded to an employee for courageous, outstanding or unusual performance of duty significantly beyond that is normally expected and may be based on a single act or on exemplary work over an extended period of time.
 - **Commanding Officer's Citation:** This citation is awarded to an employee by his/her Division Commander for performance that is well above average and demonstrates either courage, devotion to duty, alertness or other aptitude for police work or continued service to the public over an extended period of time which is judged to be above average.
 - **Community Recognition Citation:** This citation is awarded to any community member substantially assisting the West Sacramento Police Department in the apprehension of a suspect or in any other emergency. This citation may also be presented for recognition of a specific person's extraordinary contribution to the Police Department.
 - **Team of the Year/Meritorious Unit Citation:** This award or citation is given to a team or unit that has exemplified outstanding service by its members functioning as a team.

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This award may be presented to a collaborative team between the department and other entities within the City or community or specific unit within the Police Department.

- **Officer and Non-Sworn Employee Of The Year:** This award is given to the officer and non-sworn employee who established himself/herself as worthy of this award through exemplary service or deed. This honor would normally be predicated on overall performance in the areas of department improvement and/or community service. However, it would be appropriate to consider the officer/employee that through one specific deed caused dramatic long-term improvement in the performance of the department and/or the community. An example of this single deed might be the origination of a program that caused a measurable reduction in juvenile crime in this community. The individuals receiving this award will represent the Department in any community presentations or awards established to honor our officer and non-sworn employee of the year.

5. Procedures For Medals, Ribbons, and Certificate - Sworn And Non-Sworn Employees

- (a) Medals, shirt bars, and certificates will be presented for each event that is found worthy of an award.
- (b) Medals may only be worn on formal occasions with the Class A dress uniform and must be worn on the right breast pocket centered just below the name place. Non-sworn employees may wear the medal attached to the right breast area of a suit coat or formal dress when attending formal occasions.
- (c) Shirt bars will be identical to the ribbons on the medals and will be fastened to the shirt by spring-loaded, flat, black clasps.
- (d) Shirt bar may be worn with the work uniform and centered just above the nameplate.
- (e) Non-sworn employees, if in uniform, shall wear the shirt bar centered just above the nameplate.
- (f) **Procedure for Medal for Valor, Meritorious Service Award and Lifesaving Medal:** These awards consist of a medal, shirt bar and certificate in a presentation folder for presentation.
- (g) **Procedures For Exceptional Performance Ribbon and Major Incident Ribbon:** These awards will consist of a certificate on parchment paper in a presentation folder and a ribbon. The ribbon awarded for Exceptional Performance will be blue and gold in color. The ribbon awarded for major incidents will be blue and red.
- (h) **Procedures for Community Recognition Citations:** These citations consist of a certificate on parchment in a presentation folder for presentation. Procedures For Commanding Officers Citation: This citation will be in the form of a Department memorandum, which will be included in the personnel's performance file of the recipient. b. All recipients of this citation will be announced for public recognition at the annual awards ceremony.
- (i) Procedures for Team of the Year/Meritorious Unit Citation: The Team of the Year award will consist of a parchment paper certificate for the team or a certificate and a ribbon for Meritorious Unit Citation. The ribbon awarded for Meritorious Unit will be white, blue and red in color.

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- (j) **Procedures For Officer And Non-Sworn Employee of The Year:** This award consists of a ribbon and a parchment paper certificate in a presentation folder for presentation. Shirt bar may be worn with the work uniform and centered just above the name place.

6. Award Presentation

- (a) A congratulating letter from the Chief of Police will be given to all honored in categories, except Commanding Officers Citation, within one week of the awards approval. Additionally, the Chief of Police will present awards, plaques, medals or ribbons for categories once a year at a time and location determined by the mutual agreement between the Chief of Police and the Awards Committee. Those persons receiving the Commanding Officers Citation during the past year will be announced to the public at this ceremony. Division Commendations are to be presented at daily shift briefings. Awards presented to citizens may be made by the Chief of Police or a designee.
- (b) Wall plaques will be permanently displayed within the department with the names of the persons awarded the Medal of Valor, Life Saving or Meritorious Service Award.
- (c) Number of Awards an individual may receive: No limitation is placed on the number of medals and certificates that may be awarded to an individual for separate acts. Only one award will be made to an employee for any one act, achievement or period of meritorious service. Only one shirt bar in each class will be worn. In the event an employee receives an award multiple times (ie. awarded a Life Saving Award twice for two separate incidents) the employee will receive a new ribbon with a star on the ribbon/ medal for each additional awarding of the award.
- (d) Posthumous Awards The next of kin is entitled to receive any award earned by a deceased member of the West Sacramento Police Department. The next of kin, in order of precedence, are: widow, widower, eldest son or daughter, father, mother, eldest brother or sister.
- (e) Official Recording of Awards and Commendations: When an employee is the recipient of a medal or letter of commendation, an appropriate document will be placed in the individual's personnel file for official record of the recognition bestowed.

7. 10851 CVC Award Program

- (a) The West Sacramento Police Department participates in the CHP 10851 CVC program to recognize the efforts of police officers that distinguish themselves in the fight against vehicle theft.
- (b) The California Highway Patrol and the California State Automobile Association established the 10851 CVC Program to increase police officer awareness with respect to the staggering number of vehicle thefts that occur each year. The intent of the Award Program is to recognize officers who, by their efforts, contribute to the investigation and recovery of stolen vehicles. The California Highway Patrol, Valley Division administers the Program.
- (c) Award Requirements Police Officers will be recognized when the minimum requirements of the 10851 CVC Award program are met.
- (d) These requirements are:

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- The recovery of six occupied stolen vehicles; or
- The recovery of twelve stolen vehicles with at least three being occupied; or
- The development of information which results in the identification of a vehicle theft ring, the arrest of at least two suspects and the recovery of at least ten vehicles. These requirements must be met within a consecutive twelve-month period.

e. Employee Responsibilities

f. It will be the responsibility of any employee wishing to participate in the awards program to maintain a report of each occupied or unoccupied stolen vehicle recovered. The report must have the date and time of recovery, the case number and the number of arrests as a result of the recovery.

g. Once the employee has met the minimum requirements, he/she will notify the Traffic Sergeant or an appointed program coordinator. The Traffic Sergeant or program coordinator will audit the employee's award file to confirm that the minimum requirements have been met.

h. Traffic Division Responsibilities

- The Traffic Division shall maintain a tracking system for each employee participating in the awards program. The employee will provide a copy of each occupied/unoccupied recovery report to the Traffic Sergeant or program coordinator. The Traffic Sergeant or program coordinator will then record the information in the employee's award file.
- When an employee meets the requirements of the program, the Traffic Sergeant shall contact the CHP 10851 CVC Award Program Coordinator to initiate the presentation of an award.
- Upon receipt of an award, police officers are authorized to wear the 10851 CVC award pin on the flap of the right chest pocket of the uniform shield.

Police officers will be recognized at the Department's annual awards banquet.

Military Deployment Exceeding 90 Days

1061.1 PURPOSE AND SCOPE

The West Sacramento Police Department has identified a need to assist employees that are, or have been called, to an active military duty assignment (reservists or National Guard members) that exceeds 90 days for pre-deployment, deployment, and post-deployment. The Department will provide appropriate and adequate support for the employee and their family members during these times.

1061.2 POINTS OF CONTACT

The employee's military commander or Commanding Officer will be the military point of contact (POC) for the Human Resources Department. The department's POC for the employee and their family will be the Administrative Analyst assigned to coordinate with Human Resources.

The department POC will have regular communication with the employee and their family during his/her deployment. The department POC will ensure the employee is updated of any significant Departmental news and promotional opportunities. If the department POC changes at any time during an employee's deployment the outgoing department POC will notify the deployed employee and his/her family of the change.

1061.3 OUT-PROCESSING

The deploying employee will be referred to the Human Resources Manager to discuss finance, leave, medical insurance, and any other issues related to the applicable bargaining agreement. The deploying employee will provide a copy of all deployment orders to the Human Resources Manager as soon as possible.

The employee's Division Commander will:

- (a) Notify all agency employees of the deployment
- (b) Ensure the employee is provided necessary assistance with any out-processing issues.

The department POC will:

- (a) Contact the Court Liaison regarding any pending court cases involving the deploying employee.
- (b) Schedule an exit interview between the deploying employee and the Chief of Police or his/her designee.

1061.4 EQUIPMENT STORAGE

While deployed, the employee's equipment will be stored and secured within the Police Department.

1061.5 IN-PROCESSING

Upon return from deployment, the assigned department POC and the employee's Division Commander will meet with the employee. The employee will be provided information regarding

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the Employee Assistance Program (EAP) and assistance with any administrative needs such as equipment issues and access to leave. The POC and Division Commander will also determine if any training will be necessary prior to returning the employee to his/her assignment.

The Division Commander will schedule a meeting between the employee and the Chief of Police or his/her designee.

Line-of-Duty Deaths

1062.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the West Sacramento Police Department in the event of the death of a member 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 members are injured in the line of duty and the injuries are life-threatening.

1062.1.1 DEFINITIONS

Definitions related to this policy include:

Line-of-duty death - The death of a sworn member during the course of performing law enforcement-related functions while on- or off-duty, or a non-sworn member during the course of performing their assigned duties.

Survivors - Immediate family members of the deceased member, 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 member and whether the individual was previously designated by the deceased member.

1062.2 POLICY

It is the policy of the West Sacramento Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member 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.

1062.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Yolo Emergency Communications Agency.
 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public 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.
- (c) If the member 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.

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- (d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members 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).

1062.4 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 member's emergency contact information and make accommodations to respect the member'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 member's wishes.

The Chief of Police, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department Chaplain.

Notifying members 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 member. 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 members 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 members 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. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (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.

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- (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 West Sacramento Police Department members may be apprised that survivor notifications are complete.

1062.4.1 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 member 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 member's survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

1062.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members 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 members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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1062.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members 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) Wellness Support Liaison.
- (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.

Members 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.

1062.6.1 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.
- (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.

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- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1062.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

- (a) Arrange for appropriate and separate waiting areas for:
 1. The survivors and others whose presence is requested by the survivors.
 2. Department members and friends of the deceased member.
 3. 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 member's survivors or West Sacramento Police Department members (except for members who may be guarding the suspect).
- (c) Ensure that survivors receive timely updates regarding the member before information is released to others.
- (d) Arrange for survivors to have private time with the member, if requested.
 1. The Hospital Liaison or hospital personnel may need to explain the condition of the member 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 member'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 member's equipment and other items that may be of evidentiary value.
- Documenting his/her actions at the conclusion of his/her duties.

1062.6.3 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 member 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 member's Division Commander. The following should be considered when selecting the Survivor Support Liaison:

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- 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 member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member 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 member'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 member'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 Wellness Support Liaison to ensure that survivors have access to available counseling services.
- (h) Coordinating with the department's Public 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 Public 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.

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- (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 members 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 members 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.

1062.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:
 - 1. Members involved in the incident.
 - 2. Members who witnessed the incident.
 - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of department responsibilities until they can receive wellness support.
- (c) Ensuring that wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) are available to members 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 wellness support and counseling services and assisting with arrangements as needed.

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- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

1062.6.5 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.

1062.6.6 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 member's funeral.
- (b) Area coverage so that as many West Sacramento Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform the coordinator's duties in accordance with the Outside Agency Assistance Policy.

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1062.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will 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, such as:
 - 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.

1062.6.8 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:

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- (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 member's survivors.
- (d) Providing accounting and cost information as needed.

1062.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO 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 members 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 member'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 member'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 members, 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.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member 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.

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1062.8 DEPARTMENT CHAPLAIN

The Department chaplain 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 members 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.

1062.9 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.

1062.10 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.

1062.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

Grievance Procedure

1063.1 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.

1063.1.1 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 employee that, if true, would constitute a violation of department policy, federal, state, or local law as set forth in the Personnel Complaint Policy.

1063.2 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 or bureau.
- (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.

1063.3 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.

1063.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Manager for inclusion into a secure file for all written grievances. The City Manager's office, or designee, monitors the grievance process.

1063.5 GRIEVANCE AUDITS

The Constitutional Policing Division (CPD) Commander 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 CPD Commander shall record these findings in a 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 CPD Commander should promptly notify the Chief of Police.

Illness and Injury Prevention

1064.1 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 members of the West Sacramento 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.

1064.2 POLICY

The West Sacramento Police Department is committed to providing a safe environment for its members 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.

1064.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Division Commander 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 members 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 member safety suggestions.
 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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- (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).

1064.4 ADMINISTRATION DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administration Division Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member 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 members. This system shall include:
 - 1. New member orientation that includes a discussion of safety and health policies and procedures.
 - 2. Regular member review of the illness and injury prevention plan.
 - 3. 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 members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 - 1. Informing members of the illness and injury prevention guidelines.
 - 2. Recognizing members who perform safe work practices.
 - 3. Ensuring that the member evaluation process includes member safety performance.
 - 4. 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)
- (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.

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- (g) Making available a form to document the safety and health training of each member. This form will include the member'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.

1064.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members 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 members 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 Administration Division Commander.
- (e) Notifying the Administration Division Commander when:
 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 members 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.

1064.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members 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 immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

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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 Administration Division Commander via the chain of command.

The Administration Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1064.7 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 Administration Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1064.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1064.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members 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 member 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.
- (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.

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1064.9 TRAINING

The Administration Division Commander should work with the Training Manager to provide all members, 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 members with respect to hazards specific to each member's job assignment.
- (c) To all members 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.

1064.9.1 TRAINING TOPICS

The Training Manager 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, footwear and PPE.
- (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 members 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/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

1064.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Uniform Regulations

1065.1 PURPOSE AND SCOPE

Unless otherwise directed, members of the department, while on duty, will wear the uniforms and equipment issued by the department and approved by the Chief of Police. Uniforms will be worn in their entirety and in their intended fashion, and will be kept clean, well-brushed and pressed. The badge and nameplate are to be displayed on the outermost garment being worn by the uniformed officer. Non-uniformed personnel will affix the badge to their jacket pocket or lapel, or to their belt while at a crime scene or police operation.

Officers will be well groomed and present a professional appearance to maintain the public's trust and respect. Both the self-esteem generated in the individual and the respect commanded from the public they serve promote the excellent reputation of the department.

1065.2 UNIFORMS AND EQUIPMENT

Department equipment and/or property means and includes:

1. All uniforms and equipment issued to employees.
2. Department vehicles, accessories, and department-owned property contained therein.
3. Department buildings, including the County-owned equipment and/or property they contain.
4. All other department equipment or property, which comes into the possession of an employee at any time.

1065.2.1 APPROVED DEPARTMENT ATTIRE

All on-duty attire shall be department approved. No employee shall wear anything that could be interpreted as a political statement. If it is unclear whether specific attire will fall under this category, please seek approval from Administration prior to use.

1065.3 EQUIPMENT ISSUE AND ALLOWANCES

The department provides all sworn personnel and uniformed civilian employees with initial uniforms and equipment, at minimal cost to the employee. Replacement of worn uniforms and clothing is at the expense of the officer. Property, which has become worn due to normal wear and tear, will be turned over to the Fleet and Facilities Manager. The member requesting such replacement will complete an Equipment Replacement Form with his/her immediate supervisor's approval.

Reimbursement for a member's personal property that is damaged or destroyed while engaged in any law enforcement duty is considered on a case-by-case basis. Requests for reimbursement should be made via the chain of command to the Chief of Police. The complete circumstances of the loss should be explained. The employee will purchase the replacement property and forward the sales receipt to the Office of the Chief of Police along with a written request for reimbursement. If the Chief approves reimbursement, the City will have a check issued to the employee for the cost of the replacement property.

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Uniform Regulations

The amount and content of the initial issue appears in the lists below:

1065.3.1 SWORN

ITEMS	NUMBER	STATUS
Wool Pants (class A required)	1	City Purchase
Wool Long Sleeve Shirt (class A required)	1	City Purchase
Blend Short Sleeve	2	City Purchase
Blend Long Sleeve	2	City Purchase
Blend Pant	2	City Purchase
Boots(\$100.00 max)	1	Difference paid by employee
Belt 1 3/4 inch basket weave + buckle	1	Provided
P button	12	City Purchase
Tayloring	--	City Purchase
Tie / Tie bar	1	City Purchase
Cold weather jacket (\$100.00 max)	1	Difference paid by employee
Rain Gear	1	Provided
Class A hat	1	City Purchase
Sam Brown Belt, Mag Pouch, Keepers (4), Holster, Cuff case, Handcuffs (2), Baton, Baton Holder, Radio Holder	--	Provided

1065.3.2 CSI/ PROPERTY TECH

ITEM	NUMBER	STATUS
BDU/ Spiewack style pant	2	City Purchase
Blend Long Sleeve (class A required)	1	City Purchase
Blend Pant (class A required)	1	City Purchase
Cold Weather jacket (\$100.00 max)	1	Difference paid by employee
Polo Shirt	2	City Purchase
Boots (\$100.00)	1	Difference paid by employee
Belt 1 3/4 inch basket weave + buckle	1	City Purchase
Tailoring	--	City Purchase
Tie/Tie bar	1	City Purchased
Rain Gear	1	Provided

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1065.3.3 RECORDS TECH

ITEM	NUMBER	STATUS
Blend Short Sleeve	2	City Purchase
Blend Long Sleeve	2	City Purchase
Blend Pant	3	City Purchase
Boots(\$100.00 max)	1	Difference paid by employee
Belt 1 3/4 inch basket weave + buckle	1	City Purchase
Tie/Tie bar	1	City Purchase
Tailoring	--	City Purchase
Jacket/ Sweater (\$100.00 max)	1	Difference paid by employee

1065.3.4 CODE ENFORCEMENT

ITEM	NUMBER	STATUS
Blend Long Sleeve (class A required)	1	City Purchase
Blend Pant (class A required)	1	City Purchase
Blend Short Sleeve	1	City Purchase
Blend Long Sleeve	1	City Purchase
BDU Pant	2	City Purchase
Polo Shirt	2	City Purchase
Boots(\$100.00 max)	1	Difference paid by employee
Belt 1 3/4 inch basket weave + buckle	1	City Purchase
Tie/ Tie bar	1	City Purchase
Cold weather jacket (\$100.00 max)	1	Difference paid by employee
Rain gear	1	Provided

1065.3.5 CSO

ITEM	NUMBER	STATUS
Blend Long Sleeve (class A required)	1	City Purchase
Blend Pant (class A required)	1	City Purchase
Blend Short Sleeve	2	City Purchase
Blend Long Sleeve	2	City Purchase
Blend Pant	2	City Purchase
Boots (\$100.00 max)	1	Difference paid by employee

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Belt 1 ¾ inch basket weave + buckle	1	City Purchase
Tie / Tie bar	1	City Purchase
Cold weather jacket (\$100.00 max)	1	Difference paid by employee
Rain gear	1	Provided
P Button	4	City Purchase

1065.4 NON-UNIFORMED ASSIGNMENTS

Employees assigned to traditional plain-clothes assignments must still be able to quickly and safely deploy to address emerging situations. The best way to ensure these employees are safely equipped and properly marked is to utilize a designated ballistic panel carrier.

Officers assigned to these roles who enter the assignment with non-expired ballistics and a standardized ballistic panel carrier are expected to retain and use this equipment. If the officer has non-expired ballistic panels but no carrier, they will be supplied with such as soon as practicable upon being selected and assigned to the non-uniformed role. The department will supply the carrier for the non-uniformed employees when they receive new ballistic panels (upon expiration of the prior panels) to maintain warranty coverage that ensures maximum protection assured by manufacturers.

1065.5 NON-ESSENTIAL APPROVED ATTIRE

The West Sacramento Police Department recognizes that there are circumstances when alternative clothing and equipment might aid or be preferred by employees. The West Sacramento Police Department provides all sworn personnel and uniformed civilian employees with initial uniforms and equipment and provides essential safety equipment to those assigned to specialty units. The City of West Sacramento does retain a vendor that produces approved non-essential attire that can be purchased at the employees' expense. Examples of this attire would include polo shirts, campaign hats, ballistic vest carriers and "T" shirts (long or short).

Wellness Team/ Peer Support Program

1066.1 PURPOSE AND SCOPE

The West Sacramento Police Department recognizes the value of providing an "in-house" support resource for employees and their family members in the event of a professional or personal crisis. The purpose of this policy is to establish and implement an in house Wellness Team/Peer Support Program comprised of department employees, who will act as resources to fellow employees in times of individual crisis. This team will demonstrate the Department's commitment to promoting wellness and safety at every level of the organization.

As the Wellness Team/Peer Support Program matures, policy and procedure changes are inevitable. The Program Coordinator(s) and the team members shall be required to keep open lines of communication to facilitate this evolving process. Effective, honest communication in a caring environment, balanced by the program protocol, will greatly enhance the opportunity for a successful program.

1066.2 DEFINITIONS

Traumatic Event: Any event that may temporarily overwhelm an individual's usual methods of coping or produce unusually strong reactions. It is important to note an individual's reaction to a traumatic event is specific to the totality of circumstances in that individual's life (i.e., the degree of involvement, cumulative events, personal likeness, children, etc.).

Critical Incident: Any event that causes an unusually intense stress reaction. The distress that people experience after a critical incident limits their ability to cope, impairs their ability to adjust, and negatively impacts the work environment. Examples of critical incidents that may require a Peer Support response may include, but are not limited to:

- (a) (a) Officer involved shooting;
- (b) (b) Any event where an employee witnesses or experiences:
 1. Another employee's death or serious injury;
 2. Being taken, hostage;
 3. Suicide or attempted suicide;
 4. Violent death or serious injury to a member of the public;
 5. Infant/child death
 6. Any incident that is likely to affect the employee's ability to interact with the public and carry out their job function safely;
 7. Any other incident expressed by an employee and approved by a supervisor.

Debriefing, Defusing and/or Demobilization: Types of structured engagements designed to mitigate the psychological impact of a traumatic event or critical incident, and serve as an early identification mechanism for individuals who may require additional professional or peer support follow-up. Debriefings, Defusing, and Demobilization provide personnel an opportunity to discuss

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their thoughts and reactions concerning a traumatic event in a controlled environment under the direction of a mental health professional and/or Peer Support personnel.

- (a) **Debriefing:** A debriefing is a professionally guided, peer-driven, group discussion of a traumatic event or critical incidents for directly involved first responders. It is a process that should generally be conducted within 72 hours of the event/incident. The debriefing usually lasts two to three hours depending on the number of participants. It is not an investigative inquiry.
- (b) **Defusing:** A defusing is a shortened version of the debriefing generally lasting less than one hour. A defusing is a peer-guided discussion that should take place as soon as possible after the traumatic event and before involved personnel are released from duty (within 8 hours).
- (c) **Demobilization:** Demobilization is a brief informational session applied when operational units have been released from service at a major incident/disaster that requires unusually large numbers of personnel or lengthy periods of deployment.

Peer Follow-up: Includes methods such as phone calls and/or home visits, when appropriate, to monitor the progress and wellbeing of the employee(s) and family members. Referrals to appropriate professional or other resources can be initiated during a follow-up.

Peer Assistance: Peer Assistance is a process by which trained personnel provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer assistance is sought by the employee in need or suggested by the employee's peer(s) or supervisor. Peer assistance does not replace the need for structured group intervention following trauma. Peer assistance or support is an adjunct to professional mental health guidance in the provision of trauma support services. Peer assistance is not intended to replace contracted programs such as:

- (a) **Employee Assistance Program (EAP):** The City of West Sacramento's Employee Assistance Program is a consulting/ counseling service for a variety of personal and/or work-related issues.

1066.3 MISSION STATEMENT

The mission of the West Sacramento Police Department Wellness Team/Peer Support Program is to be available to listen, support, refer, and assist employees and family members during professional and/or personal situations that have created stress or difficulty.

1066.4 PROGRAM PHILOSOPHY AND OBJECTIVES

The West Sacramento Police Department recognizes the value of providing a way for employees and their family members to cope with personal and/or professional problems. A proven approach has been to provide a program which offers a non-professional (Peer) support program that runs in tandem with other professional programs. The Wellness Team/Peer Support Program is composed of a group of department employees who have volunteered to make themselves available to any member of the department and their immediate family members. This will provide an avenue for the West Sacramento Police Department employees to talk out personal and/or professional problems with someone trusted and who understands and cares.

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The most valuable resource at the West Sacramento Police Department is its employees. The Peer Support program's objective is to assist employees to work through stressful periods caused by personal and/or professional situations and to assist them in continuing to be a productive member of the Police Department.

1066.5 PROGRAM OVERVIEW

The Wellness Team/Peer Support Program is a Program that offers assistance and appropriate support resources to employees when personal or professional problems negatively affect their work performance, family member or themselves. This communication is confidential, providing it does not violate any law or department regulation.

This program is designed to:

- (a) Provide emotional support during and after times of personal or professional crisis to employees who need assistance.
- (b) Promote trust, allow anonymity, and preserve confidentiality for persons using Peer Support within the guidelines of the program.
- (c) Develop members who can identify personal conflicts and provide guidance or referral to professional\alternate resources as required.
- (d) Maintain an effective peer support training and response program.
- (e) Check on the status of ill or injured employees and provide support where needed.
- (f) Peer support personnel will be available to:
 1. Listen to employee's reactions after a critical incident or crisis situation;
 2. Facilitate or assist supervisors in diffusing critical incidents;
 3. Respond to an employee's request for peer support or assistance;
 4. Provided information on other resources available (At Ease, Employee Assistance Program, Alcoholics Anonymous, financial support etc.);
 5. Provide Peer Support orientation to new employees

Personnel who may possibly be involved in conducting any administrative or criminal investigation or administrative discipline related to an employee seeking assistance shall avoid any conflict of interest.

Wellness Team/Peer Support personnel may also be available for support and assistance on any other incident at the discretion of the Chief of Police or his/her designee(s).

1066.5.1 DEBRIEFING PROCEDURE

Debriefings will be conducted and/or coordinated by Peer Support Personnel and the in partnership with other professional services as soon as practicable after a critical incident. Debriefings should occur within 24-72 hours after the critical incident and will be conducted by qualified personnel. Attendance at debriefings is voluntary, however highly recommended, for all

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employees involved in the critical incident. A chaplain is optional but is highly recommended. The debriefing will often last for one to several hours.

1066.5.2 CONFIDENTIALITY

Confidentiality is governed by Government Code § 8669.4 which specifies:

- (a) A law enforcement personnel, whether or not a party to an action, has a right to refuse to disclose, and to prevent another from disclosing a confidential communication between the law enforcement personnel and a peer support team member made while the peer support team member was providing peer support services or a confidential communication made to a crisis hotline or crisis referral service.

It is imperative that each Wellness Team member maintain strict confidentiality of all information learned about an individual within the guidelines of this program. All conversations between Peer Support personnel and employees or their family members ARE NOT PRIVILEGED communications under the Evidence Code. The department will respect the confidentiality of the conversations between Peer Support personnel and the employees or their family members, with the following exceptions:

- (a) Danger to self.
- (b) Danger to others.
- (c) Suspected child abuse.
- (d) Narcotic offenses (sales or transportation).
- (e) Domestic violence.
- (f) Factual or physical elderly abuse.
- (g) In cases where law or policy requires divulgence.
- (h) Where divulgence is requested by the peer.

Peer Support assistance is not exempt from laws, rules, regulations, directives, or order, however, any exchange of information not in violation of this statement will be confidential.

1066.6 ADMINISTRATIVE INVESTIGATIONS

There may be circumstances where a Peer Support member assists an employee who is or becomes the subject of an investigation. The Peer Support member's role in investigatory situations should be one of support and assisting individuals through the stress they may face during the disciplinary process. The Peer Support member should be guided by the confidentiality policy of the Peer Support Program. He or she should not volunteer any information received in confidence. The Peer Support member may not hamper, impede or shelter the peer from the department's investigation. The Department investigators and supervisors shall respect the confidential conversations between Peer Support members and employees. If a Peer Support member is ordered by a supervisor to divulge information obtained during a Peer Support session that divulgence shall be ordered by the Chief of Police.

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If Peer Support members have any questions or concerns regarding these situations, they should consult with the program manager, program coordinator or Division Commander for guidelines and assistance.

1066.7 TEAM STRUCTURE

For budget and accountability, the Wellness Team Program will fall under the Professional Standards Lieutenant. The Lieutenant will work closely with the Program Coordinator to ensure that the needs of the program are met.

The Program Coordinator is responsible for the deployment and organization of the Wellness Team, with duties to include:

- (a) Supervising the Program on a daily basis.
- (b) Recruiting and coordinating the selection of new members.
- (c) Developing resources to assist individuals when problems areas are identified.
- (d) Ensure that all team members receive proper training as a Peer Support.
- (e) Coordinating in-house training of members at least once per year
- (f) Conduct quarterly meetings.
- (g) Provide guidance to Peer Support Team members navigating challenging issues.
- (h) Ensure follow-up response of Team members when referrals are made to outside services.

The Wellness Team Member responsibilities are as follows:

- (a) Provide trust, anonymity and assure confidentiality within guidelines to employees who seek assistance from the Peer Support Program.
- (b) Attend the Peer Support training: Additional training may be required as this program evolves.
- (c) Provide assistance and support on a voluntary basis to employees and family, referring him/her to the appropriate outside resource when necessary.
- (d) Be available for additional follow-up support.
- (e) Maintain contact with the program coordinator regarding program activities.
- (f) Agree to be contacted and, if practical, respond at any hour for critical incidents.
- (g) Attend on-going quarterly team meetings

1066.7.1 TEAM MEMBER COMPENSATION AND OVERTIME

The administrators and participants in the program are not exempt from federal, state, local laws or rules and regulations of the Department. Participation in the program is voluntary; however, Wellness/Peer Support Team Members called out by the department for critical incidents shall be compensated according to the Memorandum of Understanding. Further, if a Peer Support member is called out and is held over to their next scheduled shift, the Peer Support member's immediate supervisor may approve the time spent advising/supporting, in lieu of their next

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regularly scheduled work shift. Peer Support Team Members and the coordinator are permitted to consult with employees during on-duty (straight time) with the approval from the member's immediate supervisor. No name or personal identifiers will be given to the supervisor. Participation in the program is voluntary. Consideration should be given to the employee's position, minimum staffing levels, calls for service and availability.

Peer Support Team Members and the Coordinator shall obtain pre-approval for any overtime from the Program Manager or other Police Manager if requested to respond or attend activities outside of the regular work schedule.

1066.7.2 WELLNESS TEAM SELECTION PROCESS

All interested employees who choose to volunteer as a member must submit their request via memorandum through the chain of command to the Coordinator. The team can be comprised of both sworn and non-sworn members from the department. Any employee of the West Sacramento Police Department may also submit the name of a peer through their chain of command to the Coordinator for consideration as a volunteer member.

Prospective members must meet the following criteria:

- (a) Complete Wellness Team Interest questionnaire.
- (b) Be in good standing with the department.
- (c) Agree to maintain confidentiality within the guidelines provided in this policy.
- (d) Desirable qualities include:
 1. Empathy and excellent interpersonal and communication skills.
 2. Self-motivation and good time management skills
 3. Effective listening, decision-making and problem-solving skills.

When there is a need for members, the Program Coordinator will send out an informational memo seeking employees who are interested in becoming members.

1066.7.3 TRAINING PROGRAM

The training program, overseen by the Program Coordinator will consist of programs offered by reputable and qualified Peer Support experts, such as the Counseling Team International and outside sources. Basic Peer Support training is required by all new members. All members required to attend training on the topic of Peer Support at least once a year. The major emphasis will focus on skill development for conducting peer assistance including

- (a) Effective listening
- (b) General assessment skills
- (c) Problem-solving skills
- (d) Relationship termination (death, divorce, etc.)
- (e) Referral and follow-up.

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1066.7.4 SERVICE ASSIGNMENT

- (a) Members may withdraw from voluntary participation at any time and shall notify the Coordinator.
- (b) Members may be removed from voluntary participation in the program for conduct inconsistent with program policy and objectives.
- (c) Any negative impact of the Peer Support assignment on the member's job performance must be reported to the Program Coordinator by the Team Member's supervisor for discussion and resolution.
- (d) Members may be removed from voluntary participation in the program if training or other program requirements are not met

1066.7.5 WELLNESS TEAM DESELECTION

The Wellness Team and the Peer Support Team are at-will, voluntary assignments. If a team member fails to perform their duties, responsibilities and/or requirements of the policy, including the following they can be deselected from the Wellness Team or Peer Support Team:

- (a) Failure to attend required general membership meetings and or failure to attend required training
- (b) Failure to respond to verbal, telephonic or electronic communications from the Wellness Team Commander or other members
- (c) Any allegation of Department misconduct that is sustained by an investigation conducted by the Professional Standards Division

A Wellness Team member may request to be made temporarily inactive for any personal or professional issue that the Wellness Team Commander considers relevant for up to one year. A Wellness Team member may be placed on inactive status by the Wellness Team Commander for reasons deemed relevant, including (but not limited to):

- (a) Long Term Illness
- (b) Military Deployment
- (c) Pending Disciplinary Action

Within one year, an inactive member may resume active status with the Wellness Team by notifying the Commander of their intent to terminate their inactive status. Inactive members exceeding one year will be removed from the Wellness Team.

1066.8 ORGANIZATIONAL RESOURCES AND REIMBURSEMENT

The following guidelines provide the member formal authority to obtain certain organizational resources and support he/she needs to assist peer employees:

- (a) Lodging and per diem expenses may be provided for training, workshop attendance and assignment referrals to a work location outside the members currently assigned a location.

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- (b) All such activity is subject to prior authorization by the Program Coordinator and employee's Division Commander.
- (c) The member is authorized to use department facilities to meet with employees.
- (d) The member is permitted to consult with employees on duty. If the consultation is lengthy or the employee is in distress, the member will advise the employee's immediate supervisor, if applicable.

Attachments

CALEA Accreditation Training.pdf

Definitions

Definitions related to this policy include:

CALEA Coordinator- term used synonymously with Accreditation Manager

CALEA ACCREDITATION TRAINING

The purpose of this training will be to familiarize department members in the history and background of CALEA, the self-assessment phase, goals and objectives, and the impacts of the accreditation on the organization. The Professional Standards Unit, specifically the CALEA Coordinator, will ensure that all personnel are familiar with the accreditation process and its impact on the West Sacramento Police Department. Agency personnel shall receive this training by the CALEA Coordinator as follows:

- a. To all newly hired agency personnel within thirty days of their date of hire.
- b. To all agency personnel during the self-assessment phase associated with achieving initial accreditation.
- c. To all personnel prior to an on-site assessment

Due to the specialized position, any agency personnel assigned to the role of CALEA Coordinator shall receive specialized accreditation manager training within one year of appointment. The newly selected CALEA Coordinator should also attend at least one CALEA Conference during the current award period for additional training as well as participate in available Police Accreditation Coalition (PAC) groups.

Military Use Equipment List.pdf

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Military Equipment List

Unmanned Aircraft System (UAS): An unmanned aircraft along with the associated equipment necessary to control it remotely.

a. Description, quantity, capabilities, and purchase cost of current UAS:

- i. DJI MAVIC MINI 2, cost: \$500 each, quantity: 11. Miniature UAS that weighs approximately 249 grams and is able to record video and audio with approximately 30 minutes of flight time.
- ii. DJI PHANTOM 4 PRO RTK, cost: \$1200 each, quantity: 1. UAS with a single-color camera, weighs approx. 7.5 pounds and has video recording capabilities, approx. 30 minutes of flight time.
- iii. DJI MAVIC ENTERPRISE ADVANCED, cost: \$6,500 each, quantity: 4. UAS that has a color and inferred camera as well as audible speaker and light. Capable of video recording and weighs 899 grams, approx. 30 minutes of flight time.
- iv. DJI M300 with HT20, cost: \$25,000 each, quantity: 1. UAS that has 45 minutes of flight time, in all weather, has an IR camera, zoom camera, speaker, light. Has video recording capabilities.
- v. DJI MAVIC ENTERPRISE ZOOM , cost: \$2,200, quantity: 1. UAS that weighs approx. 1.5 pounds, 25 min flight time and a single-color camera with recording capabilities.

b. Purpose

To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. Explosive ordnance disposal (EOD)/ Bomb Squad missions
- ii. Post-incident crime scene and traffic collision investigation preservation and documentation
- iii. Response to hazardous materials incidents
- iv. Search and Rescue (SAR) missions as defined in California Government Code Section 26614
- v. Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, and high-risk search warrants
- vi. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation
- vii. Training missions as authorized by the Training Certificate of Authorization
- viii. In response to specific requests from local, state or federal fire authorities for fire response and prevention
- ix. Special Events which require the protection of the public and or dignitaries.
- x. When there is probable cause to believe that (1) the sUAS will record images of a place, thing, condition, or event; and (2) that those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the sUAS does not infringe upon the reasonable expectation of privacy

- xi. Pursuant to a search warrant
- xii. The assessment of public health and environmental related issues in public areas which due to their geographical location, pose an operational or safety challenge to assess.

c. Authorized Use

Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

d. Expected Life Span

All UAS equipment, 3-5 years.

e. Fiscal Impact

Annual maintenance and battery replacement cost is approximately \$6,000.

f. Training

All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour department training and ongoing monthly training.

g. Legal and Procedural Rules

Use is established under FAA Regulation 14 CFR Part 107, and the City of Sacramento UAS policy 473. It is the policy of the WSPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

Robots: A remotely-controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers. The robots owned and operated by the WSPD are equipment which are maintained and operated by members of the Yolo County Bomb Squad. The WSPD is a member agency of the Yolo County Bomb Squad through and established mutual aid agreement with other Yolo County law enforcement agencies.

a. Description, quantity, capabilities, and purchase cost

- i. REMOTEC ANDROS F6-A, cost: \$250,000 each, quantity: 1. The Remotec ANDROS F6A is a heavy-duty robot. Its stair climbing ability, an arm capable of lifting 65lbs. The F6A also offers multiple communications options, a chassis and manipulator that allow for accessories and tool combinations, and quick-release pneumatic wheels for rapid width reduction.
- ii. REMOTEC ANDROS HD-2, cost: \$250,000 each, quantity: 1. The Remotec ANDROS HD-2 is a medium-duty robot. Its stair climbing ability, an arm capable of lifting 145 lbs. The HD-2 also offers multiple communications options, a chassis and manipulator that allow for accessories and tool combinations. The Remotec ANDROS HD-2 is tracked over wheels for rugged operation.

- b. Purpose
To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.
- c. Authorized Use
Only assigned operators who have completed the required training shall be permitted to operate the robots identified at sections 2(a)(i) through (ii). Use is established by the Bomb Squad Commander and or Incident Commander.
- d. Expected Life Span All robots, 8-10 years.
- e. Fiscal Impact
Annual maintenance and battery replacement cost is approximately \$5,000.
- f. Training
All robot operators must complete training through the Yolo County Bomb Squad in the operation of the specific robot platform in which the operator will be operate.
- g. Legal and Procedural Rules
It is the policy of the WSPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

Breaching Tools: Tools that are used to conduct an explosive breach.

Description, quantity, capabilities, and purchase cost

DETONATING CORD, cost: \$1 per foot, quantity: 1000 feet. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.

BLASTING CAP, cost: \$12, quantity: 60. A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.

IDEAL PRODUCTS PRECUTION ACTUATED NON ELECTRICT (PAN) DISTRUPTOR, cost: \$3500, quantity: 4. Each of the two listed robots have two PAN barrels mounted on the robot. This tool is a 12 gauge barrel primarily used for disruption and remote opening of suspicious packages, dangerous items, explosives and improvised explosive devices. In certain circumstances, the PAN is used to safely utilize shotgun breaching rounds and water jets in order to destroy deadbolts, locks, and hinges. This weapon can also defeat windows and sliding glass doors with a blank round.

Stryker 12 gauge Shotgun, cost: \$1900, quantity: 1. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. This weapon can also defeat windows and sliding glass doors with a blank round. This item is mounted and specifically designed to deploy door and glass breaching rounds and lethal ammunition from a robot.

CTS/ PENN ARMS, 40MM MULTI-LAUNCHER, cost: \$5200, Quantity: 1. The 40MM Multi-Launcher is a tactical 6 shot launcher. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by trained personnel. This item is mounted and specifically designed to deploy less lethal ammunition from a robot.

REMINGTON 870 EXPRESS BREACHING SHOTGUN, cost: \$500, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a blank round.

MK Ballistics Master Key 12 gauge Ballistic Door Breaching Round, cost: \$5 per round, quantity: 50. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.

Winchester 12 gauge Popper Blank, cost: \$1.25 per round, quantity: 50. The round is fired from a shotgun to break windows for access and entry.

Winchester 12 gauge Black Powder Blank, cost: \$2.08 per round, quantity: 50. The round is fired from a shotgun to break windows for access and entry.

a. Purpose

To safely gain entry into a structure.

b. Authorized Use

MILITARY USE EQUIPMENT: WSPD SWAT

1. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact munitions.

a. Description, quantity, capabilities, and purchase cost each

i. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT, #6325, cost: \$28.65, quantity: 24. A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 295 FPS. The 30-gram crushable foam projectile delivers 120 ft/lbs of energy upon impact. The 40mm Direct Impact marking round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.

ii. DEFENSE TECHNOLOGY, 40 MM FERRET OC (liquid), #1262(no longer manufactured – replacement is part# 2260), cost: \$28.90, quantity: 33. The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

c. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals.

- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

d. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.

e. Lifespan

- i. Defense Technology #1425 - 25 years.
- ii. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT, #6325 – 5 years.
- iii. DEFENSE TECHNOLOGY, 40 MM FERRET OC (liquid), #1260(no longer manufactured – replacement is part# 2260) – 5 years.

f. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

g. Legal and Procedural Rules

Use is established under Policy Section 307. It is the policy of the WSPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

2. **Noise Flash Distraction Devices:** A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

a. Description, quantity, capabilities, and purchase cost

- i. COMBINED TACTICAL SYSTEMS MODEL 7290M DISTRACTION DEVICE, cost: \$45, quantity: 15. A non-bursting, non-fragmenting multi-bang device that produces a loud bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

b. Purpose

Noise/flash distraction devices (NFDD) are less lethal weapons used to facilitate an effective resolution to assaultive or high-risk situations where disorienting or moving an individual or group of people, to effect an arrest or clear an area, is desired.

c. Authorized Use

Noise Flash Diversionary Devices shall only be used:

- i. By officers who have been trained in their proper use.
- ii. In hostage and barricaded subject situations.
- iii. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
- iv. During other high-risk situations where their use would enhance officer safety.
- v. During training exercises.

d. Lifespan

- i. Until used.

e. Fiscal Impact

No annual maintenance.

f. Training

Prior to use, officers must attend diversionary device training that is conducted by Post certified instructors.

g. Legal and Procedural Rules

It is the policy of the WSPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

3. **Chemical Agent and Smoke Canisters:** Canisters that contain chemical agents that are released when deployed.

a. Description, quantity, capabilities, and purchase cost

- i. DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032, cost: \$46.25, quantity: 1. The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
- ii. DEFENSE TECHNOLOGY, SPEDE-HEAT CONTINUOUS DISCHARGE CHEMICAL GRENADE, CS, #1072, cost: \$33.05, quantity: 1. The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This hand held, outdoor use grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

c. Authorized Use

Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.

d. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.

e. Lifespan

5 years from manufacturing date.

f. Fiscal Impact

No annual maintenance.

g. Legal and Procedural Rules

It is the policy of the WSPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

4. **Rifles:** Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

a. Description, quantity, capabilities, and purchase cost

- i. COLT LAW ENFORCEMENT 5.56 mm RIFLE, MODEL CARBINE, Cost: \$2000, quantity: 9. It is a short-barreled rifle, equipped with a red dot sight, light and sling which allows a trained officer better control with greater accuracy than a pistol. It is used in instances to engage a suspect at greater distances than the capability a pistol. The rifle is capable of firing both 5.56 mm and .223 caliber ammunition.
- ii. COLT 7.62 mm RIFLE, MODULAR CARBINE, Cost: \$1500, quantity: 1. The Colt 7.62 mm rifle and its variants, is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber in 7.62mm and .308c caliber.
- iii. GA PRECISION GAP 10 RIFLE, .308 caliber SNIPER RIFLE, Cost: \$3724, quantity: 2. The GAP 10 rifle is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber is .308.
- iv. HECKLER AND KOCH MP5, 9mm, SUB MACHINE GUN, Cost: \$100, quantity: 1. The H&K MP5 is a lightweight air-cooled, selective fire, delayed blowback operated, shoulder fired weapon. It has a collapsible stock and removable magazine and is chambered in 9mm.
- v. HORNADY TAP - .308 CALIBER, 165 GRAIN RIFLE ROUND, cost: \$400 per case of 200, quantity: 33 cases. Hornady is reloadable, features match grade brass composite casing. It is polymer tipped, fragmenting with cannelure bullet. It is the optimum round for entry use to mitigate over penetration.
- vi. WINCHESTER TRAINING .223 CALIBER, 55 GRAIN RIFLE ROUND, cost: \$314.20 per case of 1000, quantity: 18,300 rounds
- vii. FEDERAL .223 CALIBER AMERICAN EAGLE 62 GRAIN RIFLE ROUND, cost: \$350 per case of 500, quantity: 2 cases.
- viii. FEDERAL .223 CALIBER HI SHOK TACTICAL TRU 55 GRAIN RIFLE ROUND, cost: \$450 per case of 500, quantity: 16 cases.

b. Purpose

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

c. Authorized Use

Only members that are POST certified are authorized to use a rifle.

d. Lifespan

Colt Law Enforcement 5.56 carbine rifle - 20 years.

Colt 7.62 mm Rifle, Modular Carbine – 20 years

GA Precision GAP 10, .308 Rifle -20 years.

H&K MP5 Sub Machine Gun, 9mm – 20 years

Hornady .308 ammunition - no expiration.

Winchester and Federal .223 ammunition - no expiration.

e. Fiscal Impact

Annual maintenance is approximately \$50 for each rifle.

f. Training

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

g. Legal and Procedural Rules

Use is established under Policy Section 311. It is the policy of the WSPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

5. **Explosive Breaching Tools:** Tools that are used to conduct an explosive breach.

a. Description, quantity, capabilities, and purchase cost.

- i. REMINGTON 870 MAGNUM BREACHING SHOTGUN, cost: \$500, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
- ii. BERETTA MODEL 1301 TACTICAL BREACHING SHOTGUN, cost: \$1000, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
- iii. MOSSBERG 590 TACTICAL BREACHING SHOTGUN, cost: \$375, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
- iv. WINCHESTER 1300 DEFENDER BREACHING SHOTGUN, cost: \$500, quantity: 1. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).

- v. ROYAL ARMS TESAR-2 BACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND, cost: \$5 per round, quantity: 45. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
- vi. ROYAL ARMS FLASHBANG FB 82 12 GAUGE MUZZLE BLAST FLASH BANG SOFT BREACHING ROUND, cost: \$5 per round, quantity: 74. The round is fired from a breaching shotgun and is used as a diversionary round and can be used to break glass.

b. Purpose

To safely gain entry into a structure.

c. Authorized Use

Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

d. Training

All SWAT officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must additionally receive quarterly training for explosive operations.

e. Lifespan

- i. Breaching Shotgun- 25 years
- ii. Royal Arms Tesar-2 black cap 425 grain copper breaching round- 5 years
- iii. Royal Arms 12-gauge muzzle blast flash bang soft breaching round- 5 years

f. Fiscal impact

Annual maintenance is approximately \$50.

g. Legal and Procedural Rules

It is the policy of the WSPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

6. **Mine-Resistant Ambush-Protected (MRAP) vehicle:** Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.

a. Description, quantity, capabilities, and purchase cost

- i. The MRAP Maxx Pro cost: approximately \$500,000.00, but received from the military at no cost, quantity: 1. The MRAP is an armored vehicle that seats 8 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor. It was painted and outfitted with decals, lights and siren to match the departments police vehicles.

b. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

c. Authorized Use

The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.

d. Lifespan

MRAP Maxx Pro, 25 years.

e. Fiscal Impact

Annual maintenance cost of approximately \$1000.

f. Training

The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver.

Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing. Drivers must obtain a Class B driver's license.

Legal and Procedural Rules

It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

7. **S.W.A.T. Command and Storage Vehicle:** A vehicle that carries S.W.A.T. Equipment and has large boards for operational planning.

a. Description, quantity, capabilities, and purchase cost

1976 GMC Value Van, cost: Vehicle was donated to the department (approximate current value is \$2500), quantity: 1. The vehicle can also be utilized for SWAT and other critical incidents.

b. Purpose

To be used based for S.W.A.T. training and other critical incidents where S.W.A.T. is needed.

c. Authorized Use

The vehicle used by officers who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license.

Lifespan

The vehicle has a 30-year lifespan on chassis and vehicle structure.

Fiscal Impact

Annual maintenance cost is approximately \$500

d. Training

The operator will drive the vehicle throughout the city with an experienced driver, until comfortable driving alone.

e. Legal and Procedural Rules

It is the policy of the Department to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

MILITARY USE EQUIPMENT

8. **40 MM Launchers and Rounds:** 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact munitions.

h. Description, quantity, capabilities, and purchase cost each

i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425, cost: \$1000,

ii. quantity: 32. The 40MM Single Launcher is a tactical single shot launcher that features a folding stock and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by trained personnel.

iii. PENN ARMS, 40MM MULTI-LAUNCHER, #L640-3, cost: \$2500, quantity: 2. The 40mm Tactical 6-Shot Launcher is low-profile and lightweight, providing multi-

shot capability in an easy to carry launcher. It features expandable gun stock, and a vertically mounted front grip. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by trained personnel.

- iv. COMBINED TACTICAL SYSTEMS, 40MM DIRECT IMPACT SPONGE, #4557, cost: \$26, quantity: 73. A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 260 FPS. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 50 yards from the target.
- v. COMBINED TACTICAL SYSTEMS, 40MM DIRECT IMPACT OC, #4556, cost: \$33, quantity: 63. A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 320 FPS. The 39-gram crushable foam projectile delivers impact in addition to dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 50 yards from the target.
- vi. COMBINED TACTICAL SYSTEMS, 40MM RUBBER-FOAM, SMOKELESS MULTI-PROJECTILE, #4551, cost: \$27, quantity: 36. This projectile delivers 3 separate, rubber baton pucks with each deployment. It can be fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 350 FPS. The 40mm Rubber-Foam Projectile provides effective performance when skip fired off the ground 3-10 feet in front of the target.
- vii. COMBINED TACTICAL SYSTEMS, 40MM ARIAL FLASHBANG PROJECTILE, #4090-50, cost: \$37, quantity: 50. This projectile is a 40MM aerial flash-bang producing an intense bright light and sound reports. Must be fired significantly above a crowd during a riot. Used to determine intent or used to hail or warn approaching individuals, vehicles, or marine vessels. Has an effective range of 50 meters, a sound output of 65-175 db and 6 million Candela light output.

i. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

j. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

k. Training

Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agents instructors.

l. Lifespan

- i. Defense Technology #1425 - 25 years.
- ii. Penn Arms Multi Launcher #L640-3 - 15 years.
- iii. CTS #4557 Exact Impact Sponge- 5 years.
- iv. CTS #4556 Direct Impact OC- 5 years.
- v. CTS #4551 Rubber Foam, Multi Projectile - 5 years.

vi. CTS #4090-50 Arial Flashbang – 5 years.

m. Fiscal Impact

Annual maintenance is approximately \$50 for each launcher.

n. Legal and Procedural Rules

Use is established under Policy Section 307. It is the policy of the WSPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

9. **Less Lethal Shotgun:** Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

h. Description, quantity, capabilities, and purchase cost

MOSSBERG 590A1 LESS LETHAL SHOTGUN, cost: \$500, quantity: 6. The Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation.

- i. 12-GAUGE SUPER-SOCK BEANBAG ROUND, cost: \$5, quantity: 200. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
- ii. CTS 12 GAUGE OC POWDER ROUND, cost: \$8, quantity: 200. OC Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of OC powder throughout the adjacent target area. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 50 yards from the target and has a velocity of 650-750 FPS.

i. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

j. Authorized Use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

k. Lifespan

- i. Mossberg 590A1 Less Lethal Shotgun- 25 years.
- ii. CTS 12-Gauge Super Sock Round- No listed expiration date.
- iii. CTS 12-gauge OC Powder round, #2440 - 5 years.

l. Fiscal Impact

Annual maintenance is approximately \$50 for each shotgun.

m. Training

All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit. SWAT operators who utilize these munitions have been through and successfully completed a POST approved gas school and/or trained in house by POST certified chemical agent instructors for muzzle blast training.

n. Legal and Procedural Rules

Use is established under Policy Section 307. It is the policy of the WSPD to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

10. Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed.

a. Description, quantity, capabilities, and purchase cost

i. COMBINED TACTICAL SYSTEMS, #5230 - CS CANISTER GRENADE,
Cost: \$28, Quantity: 41. Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched. The canister is 6.2 in. by 2.6 in. and has a discharge duration of up to 40 seconds.

ii. COMBINED TACTICAL SYSTEMS, #5210 - WHITE SMOKE CANISTER GRENADE, Cost: \$ 26, Quantity: 20.
A large diameter pyrotechnic smoke grenade used for concealment or as a signaling device. The canister is 6.2 in. by 2.6 in. and has a discharge duration of up to 40 seconds.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- vi. Self-destructive, dangerous and/or combative individuals.
- vii. Riot/crowd control and civil unrest incidents.
- viii. Circumstances where a tactical advantage can be obtained.
- ix. Potentially vicious animals.
- x. Training exercises or approved demonstrations.

d. Authorized Use

Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.

e. Training

Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.

f. Lifespan

5 years from manufacturing date.

g. Fiscal Impact

No annual maintenance.

h. Legal and Procedural Rules

Use is established under Policy Section XXX. It is the policy of the WSPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

11. **Rifles:** Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

b. Description, quantity, capabilities, and purchase cost

- ix. COLT AR-15, M4, ENHANCED PATROL RIFLE, Semi-Automatic, Cost: \$1300, Quantity: 56. The AR-15 rifle and its variants, is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber in .556MM or .223MM.
- x. SMITH & WESSON M&P-15, Semi-Automatic, Cost: \$1300, Quantity: 8. The M&P-15 rifle, is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber: .556MM.
- xi. HORNADY TAP URBAN - .223 CALIBER, 55 GRAIN RIFLE ROUND, cost: \$155 per case of 200, quantity: 50 cases. Hornady is reloadable, features match grade brass composite casing. It is polymer tipped, fragmenting with cannelure bullet. It is the optimum round for entry use to mitigate over penetration.
- xii. HORNADY CRITICAL DUTY - 9MM LUGER, 135 GRAIN HANDGUN ROUND, cost: \$265 per case, quantity: 7000 rounds. This round has a FlexLock design which is an "intelligent bullet" that reacts differently depending on the barrier it encounters, delivering "barrier blind" performance after penetrating urban barriers such as plywood, sheet metal and even auto glass. Bright nickel-plated cases eliminate cartridge case tarnish, and the highly visible silver nickel simplifies chamber checks in reduced light.
- xiii. HORNADY TAP RIFLE TRAINING - .223 CALIBER, 55 GRAIN RIFLE ROUND, cost: \$200 per case of 500, quantity: 70 cases. Hornady is reloadable, training ammunition that compliments the current TAP duty rounds by delivering comparable, yet economical ammunition for law enforcement training. It delivers reliable functioning, accuracy, and point of aim / point of impact consistency when compared to comparable duty rounds.
- xiv. MIWALL 9MM LUGER AUTO 125 Grain TOTAL METAL JACKET PRACTICE AMMUNITION, cost: \$137 per case of 500, quantity: 60,000 rounds. This 9mm Luger ammunition is loaded with a 125 grain Total Metal Jacket bullet. The Total Metal Jacket bullet is for range practice and reducing fouling in the barrel. The jacket covers 100% of the lead bullet, preventing bullet expansion and barrel leading. This ammunition is reload-production, non-corrosive, ammo, featuring brass cases, boxer primed and is reloadable.

h. Purpose

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

i. Authorized Use

Only members that are POST certified are authorized to use a rifle.

j. Lifespan

Colt AR-15 rifle - 20 years.

Smith & Wesson M&P15 rifle -20 years.

Hornady and MIWALL 9MM ammunition - no expiration.

Hornady .223 ammunition - no expiration.

k. Fiscal Impact

Annual maintenance is approximately \$50 for each rifle.

l. Training

Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle.

Additionally, all members that operate any rifle are required to pass a range qualification two times a year.

m. Legal and Procedural Rules

Use is established under Policy Section 311. It is the policy of the WSPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

12. Pepper Ball Launcher: A device that discharges irritant projectiles.

a. Description, quantity, capabilities, and purchase cost.

- i. Pepper Ball TAC SF LAUNCHER, cost: \$1600, quantity 4. The TAC SF Launcher is a compressed-air powered launcher designed to fire non-lethal Pepper Ball projectiles. The Pepper Ball launcher features a gravity or electronic feed system for optimum versatility.
- ii. Pepper Ball LIVE-X PROJECTILE, cost: \$290 per 90 projectiles, quantity: 540 rounds. The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent to 10 Pepper Ball rounds. Discharged from a Pepper Ball Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 2.5% PAVA Powder.

b. Purpose

To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.

Situations for use of the less lethal weapon systems may include but, are not limited to:

- i. Self-destructive, dangerous and/or combative individuals.
- ii. Riot/crowd control and civil unrest incidents.
- iii. Circumstances where a tactical advantage can be obtained.
- iv. Potentially vicious animals.
- v. Training exercises or approved demonstrations.

c. Authorized Use

Only those officers who have been trained in the use of Pepper Ball launchers are authorized to use the Pepper Ball launchers.

d. Training

Sworn members utilizing Pepper Ball launchers and projectiles are trained in their use by POST certified less lethal and chemical agent instructors.

e. Lifespan

i. Pepper Ball TAC SF Launcher - 15 years

ii. Pepper Ball Live-X Projectile- 3 years

f. Fiscal impact

Annual maintenance is approximately \$50 for each Pepper Ball launcher.

g. Legal and Procedural Rules

Use is established under Policy Section 307. It is the policy of the WSPD to utilize Pepper Ball only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

Military Equipment List.pdf

EXHIBIT A

West Sacramento Police Department Military Equipment List

MILITARY USE EQUIPMENT: UAS/EOD TEAM- issued/assigned to specifically trained department personnel who are members of the department Unmanned Aircraft System (UAS) of the Explosive Ordnance Disposal (EOD) Team.

1. Unmanned Aircraft System (UAS): An unmanned aircraft along with the associated equipment necessary to control it remotely.

(a) Description, quantity, capabilities, and purchase cost of current UAS:

- i. DJI MAVIC MINI 2, cost: \$500 each, quantity: 11. Miniature UAS that weighs approximately 249 grams and is able to record video and audio with approximately 30 minutes of flight time.
- ii. DJI PHANTOM 4 PRO RTK, cost: \$1200 each, quantity: 1. UAS with a single-color camera, weighs approx. 7.5 pounds and has video recording capabilities, approx. 30 minutes of flight time.
- iii. DJI MAVIC ENTERPRISE ADVANCED, cost: \$6,500 each, quantity: 4. UAS that has a color and infrared camera as well as audible speaker and light. Capable of video recording and weighs 899 grams, approx. 30 minutes of flight time.
- iv. DJI M300 with HT20, cost: \$25,000 each, quantity: 1. UAS that has 45 minutes of flight time, in all weather, has an IR camera, zoom camera, speaker, light. Has video recording capabilities.
- v. DJI MAVIC ENTERPRISE ZOOM, cost: \$2,200, quantity: 1. UAS that weighs approx. 1.5 pounds, 25 min flight time and a single-color camera with recording capabilities.

(b) Purpose: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

- i. Explosive ordnance disposal (EOD)/ Bomb Squad missions
- ii. Post-incident crime scene and traffic collision investigation preservation and documentation
- iii. Response to hazardous materials incidents
- iv. Search and Rescue (SAR) missions as defined in California Government Code Section 26614
- v. Public safety and life preservation missions to include barricaded suspects, hostage situations, active shooters, apprehension of armed and dangerous and/or violent fleeing suspects, and high-risk search warrants
- vi. Disaster response and recovery to include natural or human caused disasters including a full overview of a disaster area for post incident analysis and documentation
- vii. Training missions as authorized by the Training Certificate of Authorization
- viii. In response to specific requests from local, state or federal fire authorities for fire response and prevention

- ix. Special Events which require the protection of the public and or dignitaries.
 - x. When there is probable cause to believe that (1) the sUAS will record images of a place, thing, condition, or event; and (2) that those images would be relevant in proving that a certain felony had occurred or is occurring, or that a particular person committed or is committing a certain felony and use of the sUAS does not infringe upon the reasonable expectation of privacy
 - xi. Pursuant to a search warrant
 - xii. The assessment of public health and environmental related issues in public areas which due to their geographical location, pose an operational or safety challenge to assess.
- (c) Authorized Use: Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.
 - (d) Expected Life Span: All UAS equipment, 3-5 years.
 - (e) Fiscal Impact: Annual maintenance and battery replacement cost is approximately \$6,000.
 - (f) Training: All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend a 40-hour department training and ongoing monthly training.
 - (g) Legal and Procedural Rules: Use is established under FAA Regulation 14 CFR Part 107, and the City of Sacramento UAS policy 473. It is the policy of the WSPD to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

2. Robots: A remotely-controlled unmanned machine that operates on the ground, which is utilized to enhance the safety of the community and officers. The robots owned and operated by the WSPD are equipment which are maintained and operated by members of the Yolo County Bomb Squad. The WSPD is a member agency of the Yolo County Bomb Squad through and established mutual aid agreement with other Yolo County law enforcement agencies.

- (a) Description, quantity, capabilities, and purchase cost
 - i. REMOTEC ANDROS F6-A, cost: \$250,000 each, quantity: 1. The Remotec ANDROS F6A is a heavy-duty robot. Its stair climbing ability, an arm capable of lifting 65lbs. The F6A also offers multiple communications options, a chassis and manipulator that allow for accessories and tool combinations, and quick-release pneumatic wheels for rapid width reduction.
 - ii. REMOTEC ANDROS HD-2, cost: \$250,000 each, quantity: 1. The Remotec ANDROS HD-2 is a medium-duty robot. Its stair climbing ability, an arm capable of lifting 145 lbs. The HD-2 also offers multiple communications options, a chassis and manipulator that allow for accessories and tool combinations. The Remotec ANDROS HD-2 is tracked over wheels for rugged operation.
- (b) Purpose: To be used to remotely gain visual/audio data, deliver CNT phone, open doors, disrupt packages, and clear buildings.
- (c) Authorized Use: Only assigned operators who have completed the required training shall be permitted to operate the robots identified at sections 2(a)(i) through (ii). Use is established by the Bomb Squad Commander and or Incident Commander.
- (d) Expected Life Span: All robots, 8-10 years.

- (e) Fiscal Impact: Annual maintenance and battery replacement cost is approximately \$5,000.
- (f) Training: All robot operators must complete training through the Yolo County Bomb Squad in the operation of the specific robot platform in which the operator will be operate.
- (g) Legal and Procedural Rules: It is the policy of the WSPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

3. Breaching Tools: Tools that are used to conduct an explosive breach.

- (a) Description, quantity, capabilities, and purchase cost
 - i. DETONATING CORD, cost: \$1 per foot, quantity: 1000 feet. The detonating cord is a thin, flexible plastic tube usually filled with pentaerythritol tetranitrate (PETN, pentrite). With the PETN exploding at a rate of approximately 6400 m/s, any common length of detonation cord appears to explode instantaneously. It is a high-speed fuse which explodes, rather than burns, and is suitable for detonating high explosives.
 - ii. BLASTING CAP, cost: \$12, quantity: 60. A blasting cap is a small sensitive primary explosive device generally used to detonate a larger, more powerful and less sensitive secondary explosive such as TNT, dynamite, or plastic explosive. Blasting caps come in a variety of types, including non-electric caps, electric caps, and fuse caps.
 - iii. IDEAL PRODUCTS PRECUTION ACTUATED NON ELECTRICT (PAN) DISTRUPTOR, cost: \$3500, quantity: 4. Each of the two listed robots have two PAN barrels mounted on the robot. This tool is a 12 gauge barrel primarily used for disruption and remote opening of suspicious packages, dangerous items, explosives and improvised explosive devices. In certain circumstances, the PAN is used to safely utilize shotgun breaching rounds and water jets in order to destroy deadbolts, locks, and hinges. This weapon can also defeat windows and sliding glass doors with a blank round.
 - iv. Stryker 12 gauge Shotgun, cost: \$1900, quantity: 1. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. This weapon can also defeat windows and sliding glass doors with a blank round. This item is mounted and specifically designed to deploy door and glass breaching rounds and lethal ammunition from a robot.
 - v. CTS/ PENN ARMS, 40MM MULTI-LAUNCHER, cost: \$5200, Quantity: 1. The 40MM Multi-Launcher is a tactical 6 shot launcher. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by trained personnel. This item is mounted and specifically designed to deploy less lethal ammunition from a robot.
 - vi. REMINGTON 870 EXPRESS BREACHING SHOTGUN, cost: \$500, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a blank round.
 - vii. MK Ballistics Master Key 12 gauge Ballistic Door Breaching Round, cost: \$5 per round, quantity: 50. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
 - viii. Winchester 12 gauge Popper Blank, cost: \$1.25 per round, quantity: 50. The round is fired from a shotgun to break windows for access and entry.

- ix. Winchester 12-gauge Black Powder Blank, cost: \$2.08 per round, quantity: 50. The round is fired from a shotgun to break windows for access and entry.
- (b) Purpose: To safely gain entry into a structure.
- (c) Authorized Use: Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.
- (d) Training: All Bomb Squad personnel who use explosive breaching tools shall attend a basic explosive breaching course and receive specific training on the use of squad tools for breaching.
- (e) Expected Life Span:
 - i. DETONATING CORD, until used.
 - ii. BLASTING CAP, until used.
 - iii. IDEAL PRODUCTS PRECUTION ACTUATED NON ELECTRICT (PAN) DISTRUPTOR, unlimited unless damaged.
 - iv. CTS/ PENN ARMS, 40MM MULTI-LAUNCHER, 25 years.
 - v. REMINGTON 870 EXPRESS BREACHING SHOTGUN, 25 years.
 - vi. MK Ballistics Master Key 12-gauge Ballistic Door Breaching Round, until used.
 - vii. Winchester 12-gauge Popper Blank, until used.
- (f) Fiscal Impact: Annual maintenance is approximately \$100.
- (g) Legal and Procedural Rules: : It is the policy of the WSPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law. West Sacramento Police Policy 465 identifies the procedures for shotgun and explosive breaching.

MILITARY USE EQUIPMENT: WSPD SWAT- issued/assigned to specifically trained department personnel who are members of the department Special Weapons and Tactics (SWAT) Team.

4. 40 MM Launchers and Rounds: 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact munitions.

- (a) Description, quantity, capabilities, and purchase cost each:
 - i. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT, #6325, cost: \$28.65, quantity: 24. A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 295 FPS. The 30-gram crushable foam projectile delivers 120 ft/lbs of energy upon impact. The 40mm Direct Impact marking round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 120 feet from the target.
 - ii. DEFENSE TECHNOLOGY, 40 MM FERRET OC (liquid), #1262(no longer manufactured – replacement is part# 2260), cost: \$28.90, quantity: 33. The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard, and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.

- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
- (d) Training: Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agent instructors.
- (e) Lifespan:
 - i. Defense Technology #1425 - 25 years.
 - ii. DEFENSE TECHNOLOGY, 40MM EXACT IMPACT, #6325 – 5 years.
 - iii. DEFENSE TECHNOLOGY, 40 MM FERRET OC (liquid), #1260(no longer manufactured – replacement is part# 2260) – 5 years.
- (f) Fiscal Impact: Annual maintenance is approximately \$50 for each launcher.
- (g) Legal and Procedural Rules: Use is established under Policy Section 307. It is the policy of the WSPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

5. Noise Flash Distraction Devices: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.

- (a) Description, quantity, capabilities, and purchase cost
 - i. COMBINED TACTICAL SYSTEMS MODEL 7290M DISTRACTION DEVICE, cost: \$45, quantity: 15. A non-bursting, non-fragmenting multi-bang device that produces a loud bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
- (b) Purpose: Noise/flash distraction devices (NFDD) are less lethal weapons used to facilitate an effective resolution to assaultive or high-risk situations where disorienting or moving an individual or group of people, to effect an arrest or clear an area, is desired.
- (c) Authorized Use: Noise Flash Diversionary Devices shall only be used:
 - i. By officers who have been trained in their proper use.
 - ii. In hostage and barricaded subject situations.
 - iii. In high-risk warrant (search/arrest) services where there may be extreme hazards to officers.
 - iv. During other high-risk situations where their use would enhance officer safety.
 - v. During training exercises.
- (d) Lifespan: Until used.

- (e) Fiscal Impact: No annual maintenance.
- (f) Training: Prior to use, officers must attend divisionary device training that is conducted by Post certified instructors.
- (g) Legal and Procedural Rules: It is the policy of the WSPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

6. Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed.

- (a) Description, quantity, capabilities, and purchase cost
 - i. DEFENSE TECHNOLOGY, FLAMELESS TRI-CHAMBER CS GRENADE, #1032, cost: \$46.25, quantity: 1. The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
 - ii. DEFENSE TECHNOLOGY, SPEDE-HEAT CONTINUOUS DISCHARGE CHEMICAL GRENADE, CS, #1072, cost: \$33.05, quantity: 1. The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This hand held, outdoor use grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
- (c) Authorized Use: Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.
- (d) Training: Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agent instructors.
- (e) Lifespan: 5 years from manufacturing date.
- (f) Fiscal Impact: No annual maintenance.

- (g) Legal and Procedural Rules: It is the policy of the WSPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

7. Rifles: Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

- (a) Description, quantity, capabilities, and purchase cost
- i. COLT LAW ENFORCEMENT 5.56 mm RIFLE, MODEL CARBINE, Cost: \$2000, quantity: 9. It is a short-barreled rifle, equipped with a red dot sight, light and sling which allows a trained officer better control with greater accuracy than a pistol. It is used in instances to engage a suspect at greater distances than the capability a pistol. The rifle is capable of firing both 5.56 mm and .223 caliber ammunition.
 - ii. COLT 7.62 mm RIFLE, MODULAR CARBINE, Cost: \$1500, quantity: 1. The Colt 7.62 mm rifle and its variants, is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber in 7.62mm and .308c caliber.
 - iii. GA PRECISION GAP 10 RIFLE, .308 caliber SNIPER RIFLE, Cost: \$3724, quantity: 2. The GAP 10 rifle is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber is .308.
 - iv. HECKLER AND KOCH MP5, 9mm, SUB MACHINE GUN, Cost: \$100, quantity: 1. The H&K MP5 is a lightweight air-cooled, selective fire, delayed blowback operated, shoulder fired weapon. It has a collapsible stock and removable magazine and is chambered in 9mm.
 - v. HORNADY TAP - .308 CALIBER, 165 GRAIN RIFLE ROUND, cost: \$400 per case of 200, quantity: 33 cases. Hornady is reloadable, features match grade brass composite casing. It is polymer tipped, fragmenting with cannelure bullet. It is the optimum round for entry use to mitigate over penetration.
 - vi. WINCHESTER TRAINING .223 CALIBER, 55 GRAIN RIFLE ROUND, cost: \$314.20 per case of 1000, quantity: 18,300 rounds
 - vii. FEDERAL .223 CALIBER AMERICAN EAGLE 62 GRAIN RIFLE ROUND, cost: \$350 per case of 500, quantity: 2 cases.
 - viii. FEDERAL .223 CALIBER HI SHOK TACTICAL TRU 55 GRAIN RIFLE ROUND, cost: \$450 per case of 500, quantity: 16 cases.
- (b) Purpose: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
- (c) Authorized Use: Only members that are POST certified are authorized to use a rifle.
- (d) Lifespan:
- i. Colt Law Enforcement 5.56 carbine rifle - 20 years.
 - ii. Colt 7.62 mm Rifle, Modular Carbine – 20 years
 - iii. GA Precision GAP 10, .308 Rifle -20 years.
 - iv. H&K MP5 Sub Machine Gun, 9mm – 20 years
 - v. Hornady .308 ammunition - no expiration.
 - vi. Winchester and Federal .223 ammunition - no expiration.
- (e) Fiscal Impact: Annual maintenance is approximately \$50 for each rifle.

- (f) Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.
- (g) Legal and Procedural Rules: Use is established under Policy Section 311. It is the policy of the WSPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. Explosive Breaching Tools: Tools that are used to conduct an explosive breach.

- (a) Description, quantity, capabilities, and purchase cost.
 - i. REMINGTON 870 MAGNUM BREACHING SHOTGUN, cost: \$500, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
 - ii. BERETTA MODEL 1301 TACTICAL BREACHING SHOTGUN, cost: \$1000, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
 - iii. MOSSBERG 590 TACTICAL BREACHING SHOTGUN, cost: \$375, quantity: 2. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
 - iv. WINCHESTER 1300 DEFENDER BREACHING SHOTGUN, cost: \$500, quantity: 1. This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off that is attached to the end of the barrel allows for positive placement of the gun into the correct position and vents gases to prevent overpressure. This weapon can also defeat windows and sliding glass doors with a flash bang round. A less lethal 2.4- inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS).
 - v. ROYAL ARMS TESAR-2 BACK CAP 425 GRAIN COPPER FRANGILBE BREACHING ROUND, cost: \$5 per round, quantity: 45. The round is fired from a breaching shotgun and is used to destroy deadbolts, locks and hinges.
 - vi. ROYAL ARMS FLASHBANG FB 82 12 GAUGE MUZZLE BLAST FLASH BANG SOFT BREACHING ROUND, cost: \$5 per round, quantity: 74. The round is fired from a breaching shotgun and is used as a diversionary round and can be used to break glass.
- (b) Purpose: To safely gain entry into a structure.
- (c) Authorized Use: Explosive breaching may only occur after authorization by the Incident Commander or SWAT Commander in the field, and during training exercises.

- (d) Training: All SWAT officers who use explosive breaching tools shall attend 40 hours of explosive breaching instruction and must additionally receive quarterly training for explosive operations.
- (e) Lifespan:
 - i. Breaching Shotgun- 25 years
 - ii. Royal Arms Tesar-2 black cap 425 grain copper breaching round- 5 years
 - iii. Royal Arms 12-gauge muzzle blast flash bang soft breaching round- 5 years
- (f) Fiscal impact: Annual maintenance is approximately \$50.
- (g) Legal and Procedural Rules: It is the policy of the WSPD to utilize breaching tools only for official law enforcement purposes, and pursuant to State and Federal law.

9. Mine-Resistant Ambush-Protected (MRAP) vehicle: Commercially produced wheeled armored personnel vehicle utilized for law enforcement purposes.

- (a) Description, quantity, capabilities, and purchase cost
 - i. The MRAP Maxx Pro cost: approximately \$500,000.00, but received from the military at no cost, quantity: 1. The MRAP is an armored vehicle that seats 8 personnel with open floor plan that allows for rescue of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor. It was painted and outfitted with decals, lights and siren to match the departments police vehicles.
- (b) Purpose: To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.
- (c) Authorized Use: The use of armored vehicles shall only be authorized by a watch commander or SWAT commander, based on the specific circumstances of a given critical incident. Armored vehicles shall be used only by officers trained in their deployment and in a manner consistent with Department policy and training.
- (d) Lifespan: MRAP Maxx Pro, 25 years.
- (e) Fiscal Impact: Annual maintenance cost of approximately \$1000.
- (f) Training: The driver/operator shall receive training in the safe handling of the vehicle on a closed training course. Once the operator has shown competence in vehicle handling, the driver/operator will drive the vehicle throughout the city with an experienced driver. Driver/operators shall also undergo California Department of Motor Vehicles commercial vehicle testing. Drivers must obtain a Class B driver's license.
- (g) Legal and Procedural Rules: It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

10. S.W.A.T. Command and Storage Vehicle: A vehicle that carries S.W.A.T. Equipment and has large boards for operational planning.

- (a) Description, quantity, capabilities, and purchase cost:

- i. 1976 GMC Value Van, cost: Vehicle was donated to the department (approximate current value is \$2500), quantity: 1. The vehicle can also be utilized for SWAT and other critical incidents.
- (b) Purpose: To be used based for S.W.A.T. training and other critical incidents where S.W.A.T. is needed.
- (c) Authorized Use: The vehicle used by officers who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license.
- (d) Lifespan: The vehicle has a 30-year lifespan on chassis and vehicle structure.
- (e) Fiscal Impact: Annual maintenance cost is approximately \$500
- (f) Training: The operator will drive the vehicle throughout the city with an experienced driver, until comfortable driving alone.
- (g) Legal and Procedural Rules: It is the policy of the Department to use the vehicle only for official law enforcement purposes, and in accordance with California State law regarding the operation of motor vehicles.

MILITARY USE EQUIPMENT- Items issued and/or assigned to trained department personnel

11. 40 MM Launchers and Rounds: 40MM Launchers are utilized by department personnel as a less lethal tool to launch impact munitions.

- (a) Description, quantity, capabilities, and purchase cost each:
 - i. DEFENSE TECHNOLOGY, 40MM SINGLE SHOT LAUNCHER, #1425, cost: \$1000, quantity: 32. The 40MM Single Launcher is a tactical single shot launcher that features a folding stock and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by trained personnel.
 - ii. PENN ARMS, 40MM MULTI-LAUNCHER, #L640-3, cost: \$2500, quantity: 2. The 40mm Tactical 6-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features expandable gun stock, and a vertically mounted front grip. It will launch a 40MM less lethal round up to 131 feet and is only authorized to be used by trained personnel.
 - iii. COMBINED TACTICAL SYSTEMS, 40MM DIRECT IMPACT SPONGE, #4557, cost: \$26, quantity: 73. A less lethal 40mm lightweight plastic and foam projectile fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 260 FPS. The 40mm Exact Impact Sponge Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 50 yards from the target.
 - iv. COMBINED TACTICAL SYSTEMS, 40MM DIRECT IMPACT OC, #4556, cost: \$33, quantity: 63. A less lethal 40MM lightweight plastic and crushable foam projectile fired from a single or multi-round purpose-built 40mm grenade launcher with a rifled barrel at 320 FPS. The 39-gram crushable foam projectile delivers impact in addition to dispersion of 5 grams of OC irritant. The 40mm Direct Impact OC Round provides accurate and effective performance when fired from the approved distance of not less than five (5) feet and as far as 50 yards from the target.

- v. COMBINED TACTICAL SYSTEMS, 40MM RUBBER-FOAM, SMOKELESS MULTI-PROJECTILE, #4551, cost: \$27, quantity: 36. This projectile delivers 3 separate, rubber baton pucks with each deployment. It can be fired from a single or multi-round purpose built 40mm grenade launcher with a rifled barrel at 350 FPS. The 40mm Rubber-Foam Projectile provides effective performance when skip fired off the ground 3-10 feet in front of the target.
 - vi. COMBINED TACTICAL SYSTEMS, 40MM ARIAL FLASHBANG PROJECTILE, #4090-50, cost: \$37, quantity: 50. This projectile is a 40MM aerial flash-bang producing an intense bright light and sound reports. Must be fired significantly above a crowd during a riot. Used to determine intent or used to hail or warn approaching individuals, vehicles, or marine vessels. Has an effective range of 50 meters, a sound output of 65-175 db and 6 million Candela light output.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
- (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:
- i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
- (d) Training: Sworn members utilizing 40MM less lethal chemical agents or impact rounds are trained in their use by POST certified less lethal and chemical agents instructors.
- (e) Lifespan
- i. Defense Technology #1425 - 25 years.
 - ii. Penn Arms Multi Launcher #L640-3 - 15 years.
 - iii. CTS #4557 Exact Impact Sponge- 5 years.
 - iv. CTS #4556 Direct Impact OC- 5 years.
 - v. CTS #4551 Rubber Foam, Multi Projectile - 5 years.
 - vi. CTS #4090-50 Aerial Flashbang – 5 years.
- (f) Fiscal Impact: Annual maintenance is approximately \$50 for each launcher.
- (g) Legal and Procedural Rules: Use is established under Policy Section 307. It is the policy of the WSPD to utilize the 40mm only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

12. Less Lethal Shotgun: Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round.

- (a) Description, quantity, capabilities, and purchase cost
- i. MOSSBERG 590A1 LESS LETHAL SHOTGUN, cost: \$500, quantity: 6. The Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation.

- ii. 12-GAUGE SUPER-SOCK BEANBAG ROUND, cost: \$5, quantity: 200. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to “unfold” or “stabilize.” The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
 - iii. CTS 12 GAUGE OC POWDER ROUND, cost: \$8, quantity: 200. OC Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of OC powder throughout the adjacent target area. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 50 yards from the target and has a velocity of 650-750 FPS.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
 - (c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
 - (d) Lifespan
 - i. Mossberg 590A1 Less Lethal Shotgun- 25 years.
 - ii. CTS 12-Gauge Super Sock Round- No listed expiration date.
 - iii. CTS 12-gauge OC Powder round, #2440 - 5 years.
 - (e) Fiscal Impact: Annual maintenance is approximately \$50 for each shotgun.
 - (f) Training: All officers are trained in the 12 gauge less lethal shotgun as a less lethal option by in-service training. SWAT personnel receive additional training internally when they transfer to the unit. SWAT operators who utilize these munitions have been through and successfully completed a POST approved gas school and/or trained in house by POST certified chemical agent instructors for muzzle blast training.
 - (g) Legal and Procedural Rules: Use is established under Policy Section 307. It is the policy of the WSPD to utilize the less lethal shotgun only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

13. Chemical Agent and Smoke Canisters: Canisters that contain chemical agents that are released when deployed.

- (a) Description, quantity, capabilities, and purchase cost

- i. COMBINED TACTICAL SYSTEMS, #5230 - CS CANISTER GRENADE, Cost: \$28, Quantity: 41. Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched. The canister is 6.2 in. by 2.6 in. and has a discharge duration of up to 40 seconds.
 - ii. COMBINED TACTICAL SYSTEMS, #5210 - WHITE SMOKE CANISTER GRENADE, Cost: \$ 26, Quantity: 20. A large diameter pyrotechnic smoke grenade used for concealment or as a signaling device. The canister is 6.2 in. by 2.6 in. and has a discharge duration of up to 40 seconds.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:
- i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
- (c) Authorized Use: Only officers who have received POST certification in the use chemical agents are authorized to use chemical agents.
- (d) Training: Sworn members utilizing chemical agent canisters are certified by POST less lethal and chemical agents instructors.
- (e) Lifespan: 5 years from manufacturing date.
- (f) Fiscal Impact: No annual maintenance.
- (g) Legal and Procedural Rules: Use is established under Policy Section XXX. It is the policy of the WSPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

14. Rifles: Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance.

- (a) Description, quantity, capabilities, and purchase cost
- i. COLT AR-15, M4, ENHANCED PATROL RIFLE, Semi-Automatic, Cost: \$1300, Quantity: 56. The AR-15 rifle and its variants, is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber in .556MM or .223MM.
 - ii. SMITH & WESSON M&P-15, Semi-Automatic, Cost: \$1300, Quantity: 8. The M&P-15 rifle, is a semi-automatic shoulder fired, gas operated weapon. It has a collapsible stock and removable magazine, caliber: .556MM.
 - iii. HORNADY TAP URBAN - .223 CALIBER, 55 GRAIN RIFLE ROUND, cost: \$155 per case of 200, quantity: 50 cases. Hornady is reloadable, features match grade brass composite casing. It is polymer tipped, fragmenting with cannelure bullet. It is the optimum round for entry use to mitigate over penetration.
 - iv. HORNADY CRITICAL DUTY - 9MM LUGER, 135 GRAIN HANDGUN ROUND, cost: \$265 per case, quantity: 7000 rounds. This round has a FlexLock design which is an "intelligent bullet" that reacts differently depending on the barrier it encounters, delivering

“barrier blind” performance after penetrating urban barriers such as plywood, sheet metal and even auto glass. Bright nickel-plated cases eliminate cartridge case tarnish, and the highly visible silver nickel simplifies chamber checks in reduced light.

- v. HORNADY TAP RIFLE TRAINING - .223 CALIBER, 55 GRAIN RIFLE ROUND, cost: \$200 per case of 500, quantity: 70 cases. Hornady is reloadable, training ammunition that compliments the current TAP duty rounds by delivering comparable, yet economical ammunition for law enforcement training. It delivers reliable functioning, accuracy, and point of aim / point of impact consistency when compared to comparable duty rounds.
 - vi. MIWALL 9MM LUGER AUTO 125 Grain TOTAL METAL JACKET PRACTICE AMMUNITION, cost: \$137 per case of 500, quantity: 60,000 rounds. This 9mm Luger ammunition is loaded with a 125 grain Total Metal Jacket bullet. The Total Metal Jacket bullet is for range practice and reducing fouling in the barrel. The jacket covers 100% of the lead bullet, preventing bullet expansion and barrel leading. This ammunition is reload- production, non-corrosive, ammo, featuring brass cases, boxer primed and is reloadable.
- (b) Purpose: To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.
 - (c) Authorized Use: Only members that are POST certified are authorized to use a rifle.
 - (d) Lifespan:
 - i. Colt AR-15 rifle - 20 years.
 - ii. Smith & Wesson M&P15 rifle -20 years.
 - iii. Hornady and MIWALL 9MM ammunition - no expiration.
 - iv. Hornady .223 ammunition - no expiration.
 - (e) Fiscal Impact: Annual maintenance is approximately \$50 for each rifle.
 - (f) Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two times a year.
 - (g) Legal and Procedural Rules: Use is established under Policy Section 311. It is the policy of the WSPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

15. Pepper Ball Launcher: A device that discharges irritant projectiles.

- (a) Description, quantity, capabilities, and purchase cost.
 - i. Pepper Ball TAC SF LAUNCHER, cost: \$1600, quantity 4. The TAC SF Launcher is a compressed-air powered launcher designed to fire non-lethal Pepper Ball projectiles. The Pepper Ball launcher features a gravity or electronic feed system for optimum versatility.
 - ii. Pepper Ball LIVE-X PROJECTILE, cost: \$290 per 90 projectiles, quantity: 540 rounds. The Live Projectile contains a concentrated amount of PAVA pepper powder. One round of LIVE-X contains the equivalent to 10 Pepper Ball rounds. Discharged from a Pepper Ball Launcher, the projectile has a velocity of 280-350 FPS. The projectile has a direct impact of 60ft and an area of saturation of 150+ft. The projectile contains 2.5% PAVA Powder.
- (b) Purpose: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include but, are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.

- ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
- (c) Authorized Use: Only those officers who have been trained in the use of Pepper Ball launchers are authorized to use the Pepper Ball launchers.
- (d) Training: Sworn members utilizing Pepper Ball launchers and projectiles are trained in their use by POST certified less lethal and chemical agent instructors.
- (e) Lifespan:
- i. Pepper Ball TAC SF Launcher - 15 years
 - ii. Pepper Ball Live-X Projectile- 3 years
- (f) Fiscal impact: Annual maintenance is approximately \$50 for each Pepper Ball launcher.
- (g) Legal and Procedural Rules: Use is established under Policy Section 307. It is the policy of the WSPD to utilize Pepper Ball only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

Statutes and Legal Requirements.pdf

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.pdf

HATE CRIME CHECKLIST

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p> <p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>
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BIAS	<p style="text-align: center;"><u>Type of Bias</u> (Check all characteristics that apply):</p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p> <hr/> <p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>
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	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
--	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
----------------	--	--

WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____ Name(s)/ID #: _____ Hospital: _____ Jail Dispensary: _____ Physician/Doctor: _____ Patient #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? Yes No

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

**Commission on Peace Officer Standards and
Training Hate Crimes Model Policy 2019.pdf**



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

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- 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).

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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

¹See 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.

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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.
 8. Provide victim assistance and follow-up.
 9. Canvass the area for additional witnesses.
 10. Examine suspect's social media activity for potential evidence of bias motivation.
 11. 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.
 12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
 13. Determine if the incident should be classified as a hate crime.
 14. 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.

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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:

²As described in CPC 13519.6(b)(8)

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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

Page _____ of _____

VICTIM	<p style="text-align: center;"><u>Victim Type:</u></p> <p><input type="checkbox"/> Individual Legal name (Last, First): _____ Other Names used (AKA): _____</p> <p><input type="checkbox"/> School, business or organization Name: _____ Type: _____ <i>(e.g., non-profit, private, public school)</i> Address: _____</p> <p><input type="checkbox"/> Faith-based organization Name: _____ Faith: _____ Address: _____</p>	<p style="text-align: center;"><u>Target of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Person <input type="checkbox"/> Private property <input type="checkbox"/> Public property</p> <p><input type="checkbox"/> Other _____</p>
		<p style="text-align: center;"><u>Nature of Crime (Check all that apply):</u></p> <p><input type="checkbox"/> Bodily injury <input type="checkbox"/> Threat of violence</p> <p><input type="checkbox"/> Property damage</p> <p><input type="checkbox"/> Other crime: _____</p> <p>Property damage - estimated value _____</p>

BIAS	<p style="text-align: center;"><u>Type of Bias (Check all characteristics that apply):</u></p> <p><input type="checkbox"/> Disability</p> <p><input type="checkbox"/> Gender</p> <p><input type="checkbox"/> Gender identity/expression</p> <p><input type="checkbox"/> Sexual orientation</p> <p><input type="checkbox"/> Race</p> <p><input type="checkbox"/> Ethnicity</p> <p><input type="checkbox"/> Nationality</p> <p><input type="checkbox"/> Religion</p> <p><input type="checkbox"/> Significant day of offense <i>(e.g., 9/11, holy days)</i></p> <p><input type="checkbox"/> Other: _____</p> <p>Specify disability (be specific): _____ _____</p>	<p style="text-align: center;"><u>Actual or Perceived Bias – Victim’s Statement:</u></p> <p><input type="checkbox"/> Actual bias [Victim actually has the indicated characteristic(s)].</p> <p><input type="checkbox"/> Perceived bias [Suspect believed victim had the indicated characteristic(s)]. <i>If perceived, explain the circumstances in narrative portion of Report.</i></p>
		<p style="text-align: center;"><u>Reason for Bias:</u></p> <p>Do you feel you were targeted based on one of these characteristics? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you know what motivated the suspect to commit this crime? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Do you feel you were targeted because you associated yourself with an individual or a group? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Explain in narrative portion of Report.</i></p> <p>Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p> <p>Are there Indicators the suspect is affiliated with a criminal street gang? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Describe in narrative portion of Report.</i></p>

BIAS	<p style="text-align: center;"><u>Bias Indicators (Check all that apply):</u></p> <p><input type="checkbox"/> Hate speech <input type="checkbox"/> Acts/gestures <input type="checkbox"/> Property damage <input type="checkbox"/> Symbol used</p> <p><input type="checkbox"/> Written/electronic communication <input type="checkbox"/> Graffiti/spray paint <input type="checkbox"/> Other: _____</p> <p><i>Describe with exact detail in narrative portion of Report.</i></p>
-------------	--

HISTORY	<p style="text-align: center;"><u>Relationship Between Suspect & Victim:</u></p> <p>Suspect known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Nature of relationship: _____</p> <p>Length of relationship: _____</p> <p><i>If Yes, describe in narrative portion of Report</i></p>	<p><input type="checkbox"/> Prior reported incidents with suspect? Total # _____</p> <p><input type="checkbox"/> Prior unreported incidents with suspect? Total # _____</p> <p>Restraining orders? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>If Yes, describe in narrative portion of Report</i></p> <p>Type of order: _____ Order/Case# _____</p>
----------------	--	--

WEAPONS	<p>Weapon(s) used during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No Type: _____</p> <p>Weapon(s) booked as evidence? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Automated Firearms System (AFS) Inquiry attached to Report? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
----------------	--

HATE CRIME CHECKLIST

Page ____ of ____

EVIDENCE	Witnesses present during incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	Statements taken? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Evidence collected? <input type="checkbox"/> Yes <input type="checkbox"/> No	Recordings: <input type="checkbox"/> Video <input type="checkbox"/> Audio <input type="checkbox"/> Booked
	Photos taken? <input type="checkbox"/> Yes <input type="checkbox"/> No	Suspect identified: <input type="checkbox"/> Field ID <input type="checkbox"/> By photo
	Total # of photos: _____ D#: _____ Taken by: _____ Serial #: _____	<input type="checkbox"/> Known to victim

OBSERVATIONS	<u>VICTIM</u>	<u>SUSPECT</u>
	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____	<input type="checkbox"/> Tattoos <input type="checkbox"/> Shaking <input type="checkbox"/> Unresponsive <input type="checkbox"/> Crying <input type="checkbox"/> Scared <input type="checkbox"/> Angry <input type="checkbox"/> Fearful <input type="checkbox"/> Calm <input type="checkbox"/> Agitated <input type="checkbox"/> Nervous <input type="checkbox"/> Threatening <input type="checkbox"/> Apologetic <input type="checkbox"/> Other observations: _____

ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):

Has suspect ever threatened you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has suspect ever harmed you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Does suspect possess or have access to a firearm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are you afraid for your safety?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Do you have any other information that may be helpful?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Resources offered at scene: Yes No Type: _____

MEDICAL	<u>Victim</u>	<u>Suspect</u>	Paramedics at scene? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit # _____	
	<input type="checkbox"/>	<input type="checkbox"/>	Declined medical treatment	Name(s)/ID #: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Will seek own medical treatment	Hospital: _____
	<input type="checkbox"/>	<input type="checkbox"/>	Received medical treatment	Jail Dispensary: _____
Authorization to Release Medical Information, Form 05.03.00, signed? <input type="checkbox"/> Yes <input type="checkbox"/> No			Physician/Doctor: _____	
			Patient #: _____	

Officer (Name/Rank)	Date
Officer (Name/Rank)	Date
Supervisor Approving (Name/Rank)	Date

Speed Measuring Devices Draft.pdf

Speed Measuring Devices

Purpose and Scope:

This policy provides the procedures for the use of speed measuring devices in traffic law enforcement.

Definitions:

RADAR- Radio detection and ranging

LIDAR- Light detection and ranging

RADAR/LIDAR Procedures

The West Sacramento Police Department uses hand-held Lidar devices. The department also possesses 3 specialized patrol vehicles, 4 motorcycles, and 2 portable trailers that are equipped with RADAR. Employees who have obtained P.O.S.T. approved certification in the use of RADAR and/or LIDAR are authorized to operate them according to P.O.S.T. approved guidelines.

Each device is to be calibrated by an external vendor, as specified by the California Vehicle Code. The traffic division's Supervisor or his/her designee will maintain these calibration records within the traffic division. Employees utilizing these devices shall test the accuracy of the unit prior to the use. If the equipment is damaged, not working properly, or is displaying an error message; discontinue use of the equipment and notify the traffic supervisor.

Authorized Speed Measuring Devices

Equipment brands and inventory may vary due to equipment failure and replacement. The West Sacramento Police Department currently utilizes:

1. (2) All Traffic Solutions radar trailers
2. (11) Prolaser 4 handheld LIDAR devices
3. (7) Prolaser 3 handheld LIDAR devices
4. (1) patrol vehicle with Stalker Moving RADAR
5. (4) BMW patrol motorcycles with Kustom Signal Raptor Moving RADAR
6. (2) Patrol vehicles with Kustom Signal Raptor mounted RADAR

Maintenance of RADAR/LIDAR

Per CVC Section 40802(d) all speed measuring devices will meet or exceed minimal operational standards set forth by the National Highway Traffic Safety Administration (NHTSA). Each speed-measuring device is required to be calibrated within three years.

Each speed-measuring device will be calibrated by an independent, certified RADAR and/or laser repair and testing and/or calibration facility, at minimum every three years. All calibration records will be kept in the traffic division.

Care of RADAR/LIDAR

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of the RADAR/LIDAR devices assigned or entrusted to them.

- a. Employees shall promptly report any loss, damage or unserviceable condition of any RADAR/LIDAR device assigned for their use.
- b. The use of damaged or unserviceable RADAR/LIDAR devices should be discontinued immediately and the device should be given to traffic supervisor for repair.
- c. Use of RADAR/LIDAR devices should be limited to official purposes and in the capacity for which it was designed.
- d. In the event a RADAR/LIDAR device becomes damaged or unserviceable, no employee shall attempt to repair the property without prior supervisory approval.
- e. Each employee shall conduct an operational check before deployment and after to ensure the device is in proper working order

Separation Reports.pdf

Separation Reports

Purpose and Scope: To inform supervisors of their responsibility to complete the appropriate reports at the time of an employee's separation of employment.

Separation reports shall be completed and retained in the employee's personnel file.

Division Commanders are to ensure that any full-time or part-time member who is separating employment from our Agency shall have all appropriate exit forms processed. The separation reports shall be completed by the Watch/Unit Commander or his/her designee. Separation of employment forms can be located on the **F: Drive**

The following reports shall be completed upon separation of all employees.

1. Separation of employment Memorandum
2. Employee Separation Interview Report
3. Personnel Separation Check-Out List
 - a. Personnel Inventory Check List

An additional report may be required for missing or damaged items. (See Policy 700.3.1)

Upon employee separation and exit interview will be scheduled with the Division Commander. The purpose of the exit interview is to seek appropriate feedback that may assist the Department in identifying areas in need of improvement to better assist with employee retention.

CALEA Training.pdf

Definitions

Definitions related to this policy include:

Police Support Services Manager- term used synonymously with Accreditation Manager

CALEA Coordinator- position that directly supports the CALEA Accreditation process

CALEA ACCREDITATION TRAINING

The purpose of this training will be to familiarize department members in the history and background of CALEA, the self-assessment phase, goals and objectives, and the impacts of the accreditation on the organization. The Professional Standards Unit, specifically the Police Support Services Manager and/or the CALEA Coordinator, will ensure that all personnel are familiar with the accreditation process and its impact on the West Sacramento Police Department. Agency personnel shall receive this training by the CALEA Coordinator as follows:

- a. To all newly hired agency personnel within thirty days of their date of hire.
- b. To all agency personnel during the self-assessment phase associated with achieving initial accreditation.
- c. To all personnel prior to an on-site assessment

Due to the specialized position, any agency personnel assigned to the role of Police Support Services Manager and CALEA Coordinator shall receive specialized accreditation manager training within one year of appointment. The newly selected Police Support Services Manager and the CALEA Coordinator should also attend at least one CALEA Conference during the current award period for additional training as well as participate in available Police Accreditation Coalition (PAC) groups.

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