

# Santa Cruz Police Department

## Policy Manual

### **Chiefs Preface**

The Santa Cruz Police Department Policy Manual provides the framework to perform our law enforcement mission. These policies have been established as a result of an ever-changing assimilation of legal and best-practice principles in the law enforcement profession. These policies, coupled with professional training, provide you with the tools to carry out your law enforcement responsibilities. We are tasked with providing effective service to our community in a professional and ethical manner. All members of this department are held to the highest standard by the citizens we serve and adherence to these policies is one of the requirements of these standards. As the Chief of Police, I am honored to work with such a dedicated group of individuals.

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### **Law Enforcement Code of Ethics**

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 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 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.

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**Chapter 1 - Law Enforcement Role and Authority**

## **Law Enforcement Authority**

### **100.1 PURPOSE AND SCOPE**

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

### **100.2 PEACE OFFICER POWERS**

Sworn members of this department shall be considered peace officers pursuant to Penal Code § 830.1. The authority of any such peace officer extends to any place in the State of California, as follows:

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

### **100.3 CONSTITUTIONAL REQUIREMENTS**

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

## **Chief Executive Officer**

### **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.



## **Oath of Office**

### **104.1 PURPOSE AND SCOPE**

Officers of this department are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

#### **104.1.1 OATH OF OFFICE**

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

# Policy Manual

## **106.1 PURPOSE AND SCOPE**

The manual of the Santa Cruz Police Department is hereby established and shall be referred to as "The Policy Manual." The Policy Manual is a statement of the current policies, procedures, rules, and guidelines of this department. All employees are to conform to the provisions of this manual. All prior and existing manuals, orders, and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

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

## **106.2 RESPONSIBILITIES**

The ultimate responsibility for the contents of the manual rests with the Chief of Police. Since it is not practical for the Chief of Police to prepare and maintain the manual, the following delegations have been made:

### **106.2.1 CHIEF OF POLICE**

The Chief of Police shall be considered the ultimate authority for the provisions of this manual and shall continue 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.

### **106.2.2 STAFF**

Staff shall consist of the following:

- Chief of Police
- The Deputy Chief from each division
- The Lieutenants

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

### **106.2.3 OTHER PERSONNEL**

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

## **106.3 FORMATTING CONVENTIONS FOR THE POLICY MANUAL**

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

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#### **106.3.1 ACCEPTABLE ABBREVIATIONS**

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

#### **106.3.2 DEFINITIONS**

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

**Adult** - Shall mean any person 18 years of age or older

**CHP** - Shall refer to the California Highway Patrol

**City** - Shall mean the City of Santa Cruz

**Department/SCPD** - Shall mean the Santa Cruz Police Department

**DMV** - Shall mean the Department of Motor Vehicles

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

**Juvenile** - Shall mean any person under the age of 18 years

**Manual** - Shall refer to the Santa Cruz Police Department Policy Manual

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

**Officer/Sworn** - Applies to those employees, regardless of rank, who are sworn employees of the Santa Cruz Police Department.

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

**Order** - An instruction either written or verbal issued by a superior

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

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

**Shall** - Indicates a mandatory action

**Should (or may)** - Indicates a permissive or discretionary action

#### **106.3.3 DISTRIBUTION OF MANUAL**

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

- Chief of Police
- Deputy Chiefs
- Professional Standards Unit
- Training Unit
- Watch Commander

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- Field Sergeant's Office
- Investigation Section
- Report Writing Room

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

#### **106.4 MANUAL ACCEPTANCE**

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

##### **106.4.1 REVISIONS TO POLICIES**

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be announced via e-mail. A current version of the Policy manual will be maintained on the appropriate network drive. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

Each unit supervisor will ensure that employees under his/her command are aware of any Policy Manual revisions.

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**Chapter 2 - Organization and Administration**

# **Organizational Structure and Responsibility**

## **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 DIVISIONS**

The Chief of Police is responsible for administering and managing the Santa Cruz Police Department. There are two divisions in the Police Department as follows:

- Administration Division
- Operations Division

### **200.2.1 ADMINISTRATION DIVISION**

The Administration Division is commanded by a Deputy Chief of Police whose primary responsibility is to provide general management direction and control for the Administration Division. The Administrative Division consists of the Investigations Section, Records Section and Administrative Section.

### **200.2.2 OPERATIONS DIVISION**

The Operations Division is commanded by a Deputy Chief of Police whose primary responsibility is to provide general management direction and control for that division. The Operations Division which consists of the Patrol Section, Traffic Section, and the Community Services Section.

## Unity of Command

### 201.1 PURPOSE AND SCOPE

It is the policy of this Department to define responsibilities and relationships pertaining to unity of command.

To facilitate management of an organization, the principle of "Unity of Command" is employed so that an employee receives orders from only one superior. To insure unity of command and maintain efficient management, clearly defined lines of authority are established to provide command relationships for all employees.

#### 201.1.1 GENERAL RESPONSIBILITY

Supervisors and subordinates will keep each other informed of their activities. All Department members will keep themselves aware of their relative position in the organization, to whom they are accountable, and who are accountable to them.

#### 201.1.2 TABLE OF ORGANIZATION AND CHAIN OF COMMAND

- (a) The Chain of Command will be as follows:
1. Chief of Police
  2. Deputy Chief of Police
  3. Captain
  4. Lieutenant
  5. Sergeant
  6. Patrol Officer
- (b) Every member will report to the immediate higher authority in the chain of command and within the organizational subdivision affected, and will exercise authority over all subordinate personnel whether sworn or civilian.

### 201.2 ORDER OF SUCCESSION

- (a) After the notification of the on-duty Watch Commander by the field supervisor, and in the absence of the Chief of Police, the order of succession and/or order of notification in the event of an emergency will be as follows:
1. Deputy Chief, Operations.
  2. Deputy Chief, Administration.
  3. Captain.
  4. Lieutenant, Investigation Section.
  5. Lieutenant, Off Duty Watch Commanders.

### 201.3 MANDATORY NOTIFICATIONS

- (a) The Chief of Police and the appropriate Division Commander will be immediately notified of the following incidents:
1. Mutual aid situations.
  2. Injuries to officers requiring admission to a hospital.

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### *Unity of Command*

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3. Officer involved shootings.
4. Officer involved incidents in which any death occurs.
5. Hostage or barricaded gunman situations.
6. Large scale disturbance or civil disobedience incidents.
7. Impending or actual natural problems or disasters (i.e. floods, storms, tidal waves, etc.).
8. Attacks on any representative of local government.
9. Arrest of any departmental personnel.
10. Any other incident of sufficient magnitude wherein notification of the Chief of Police would seem appropriate.

#### **201.4 AUTHORITY WITHIN THE CHAIN OF COMMAND**

- (a) Sound management practice demands that each command or supervisory person issue specific orders only to immediate subordinate personnel. The subordinate person then issues orders in the same manner until the point of implementation is reached.
- (b) When a deviation of the normal practice is believed justified, higher authority may issue direct orders to any subordinate within the higher authority's chain of command. When such an intentional breach of the chain of command is made, every reasonable effort, under the circumstances, will be made to inform all affected intermediate command/supervisory personnel.

#### **201.5 AUTHORITY OUTSIDE THE CHAIN OF COMMAND**

- (a) When a deviation of the normal practice is believed justified, direct orders may be given across lines of authority. Such a decision to breach the normal chain of command may be made only under situations of such importance and urgency that proceeding through the normal chain of command would be impractical and would seriously impair the safety or successful completion of some official task.
- (b) This order does not relieve any supervisor of his supervisory responsibilities regardless of assignment. All supervisors share the responsibility that the police mission is carried out and those provisions of this General Order Manual are enforced.



## **Departmental Directives**

### **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, 08-01 signifies the first Departmental Directive for the year 2008.

### **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 shall issue all Departmental Directives.

## **Employee Suggestions**

### **205.1 PURPOSE AND SCOPE**

It is the policy of this Department to encourage employee input to enhance Departmental operations and to further the goals and objectives of the Department.

### **205.2 FORMAL SUGGESTIONS**

- (a) Employees should submit on a standard Department memo their suggestion to be considered.
- (b) Suggestions will be forwarded via the chain of command in a timely manner to the Chief of Police. All suggestions shall be forwarded to the Chief of Police along with comments by those in the chain of command. The Chief will review the suggestion and decide whether to make assignments for further study and/or preparation for implementation. All assignments for further study will have a suspension date thirty (30) days after assignment, unless otherwise designated.
- (c) A reasonable attempt will be made to contact the employee advising them concerning the status of the proposed suggestion and either its adoption or reason for dismissal within sixty (60) days after it reaches the Office of the Chief of Police.
- (d) If for some reason the employee does not hear back within 60 days, the employee may contact the Administration Division Administrative Assistant for the status of the suggestion.

## Disaster Plan

### 206.1 PURPOSE AND SCOPE

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

### 206.2 ACTIVATING THE EMERGENCY PLAN

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

### 206.3 LOCATION OF MANUALS

The manual for the employees is available in Administration the Watch Commander's office and the City's Intranet Website. All supervisors should familiarize themselves with the Emergency Management Plan and what roles police personnel will play when the plan is implemented.

### 206.4 RESIDENCY REQUIREMENTS

The Santa Cruz Police Department does not have a mileage residency requirement.

**Definition:** A residence is defined as the primary place that an employee maintains as their domicile. It is the address where they live and claim as their residence for tax and voting purposes.

#### 206.4.1 RESIDENCY REQUIREMENT

The only residency requirement for Police Department personnel is that personnel will be able to respond from their place of residence to the Department within a reasonable amount of time during emergency and as needed situations.

#### 206.4.2 DEPARTMENT EMPLOYEES

- (a) When establishing residency the following shall be considered:
1. All factors must be considered such as speed limits, roadway designations, traffic during commuter times, etc.
  2. All-weather roadways must exist as the most direct route.
  3. Employees must maintain uninterrupted telephone service.
  4. No special consideration will be given to employees for shift, callback, or court attendance based on their residency.
  5. All employees are expected to report to work on time. Distance from the Department is not a mitigating factor for reporting late to work.

#### 206.4.3 MAINTAINING ACCURATE ADDRESS AND TELEPHONE INFORMATION

- (a) All department employees will immediately notify the Police Administration Division if there is a change of their residence address or telephone number. The notification will be in writing on a To/From Memorandum, or Department e-mail.

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### *Disaster Plan*

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- (b) The original shall be sent to the Administration Division with a copy to the employee's division commander.
  - 1. The Administration Division shall be responsible for updating the police employee residence and telephone list.

## **Police Mobilization**

### **207.1 PURPOSE AND SCOPE**

It is the policy of this Department to provide for the assembly and assignment of police personnel upon emergency notification and to establish specific places of assembly and duty assignments for the purpose of implementing disaster plans or special law enforcement plans relating to civil disorder.

Police mobilization shall adhere to the Incident Command System (ICS), National Incident management System (NIMS), Standardized Emergency Management Systems (SEMS) standards, California law, existing Memorandums of Understanding (MOUs), and the City of Santa Cruz Emergency Management Plan.

### **207.2 RECALL OF PERSONNEL**

- (a) The senior ranking officer, in order of succession, (Chief of Police, Deputy Chief of Police, or Lieutenant) receiving information of a disaster or emergency may initiate "Stand-By" or "Emergency Recall" procedures. If the Chief of Police did not initiate the recall, he/she will be notified of the recall as soon as practical.
- (b) Personnel will be recalled utilizing the department roster.

### **207.3 MOBILIZATION LEVELS**

- (a) All personnel recalled under status two or three are to report to the police department unless directed to another location by a member of the department holding the rank of lieutenant or higher.
- (b) If evacuation of the primary police facility becomes necessary an alternate site will be designated by the senior ranking officer. These sites may include the Neighborhood Police Station and the City Fire Stations.

#### **207.3.1 STATUS ONE: STAND-BY NOTIFICATION**

Notification of key personnel and selected off-duty personnel that they are on "stand-by" status. Selected off-duty personnel are defined as members of that watch which would normally relieve the on-duty watch (i.e., Watch I on-duty, Watch II to relieve, Watch II on-duty, Watch III to relieve, etc.) or combinations thereof.

#### **207.3.2 STATUS TWO: LIMITED EMERGENCY RECALL**

Notification of key personnel and selected off-duty personnel of "limited emergency recall" status and direction to report to the designated location immediately.

#### **207.3.3 STATUS THREE: EMERGENCY RECALL**

Notification to all personnel of a total emergency recall directing them to respond to the designated location immediately.

- (a) The execution of Status Three emergency recall will take place when ordered by the Chief of Police, or in his absence, the next highest ranking officer when a major incident occurs such as a natural disaster or major law enforcement event requiring immediate large scale response.
- (b) After notification of Status Three Recall:

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### *Police Mobilization*

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1. All personnel will report immediately to their assigned location.
2. All personnel will report in uniform as directed.
3. All leaves will be automatically cancelled.

#### **207.4 PAY**

Applicable M.O.U. will be adhered to during activation level recalls.

#### **207.5 LOGISTICS SUPPORT**

Logistics support from sources outside the department must be approved by the Chief of Police or his/her designee.

## **Training Policy**

### **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
- (c) Provide for continued professional development of department personnel

### **208.4 TRAINING PLAN**

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

- Legislative Changes
- State Mandated Training
- Supplemental Training for Personnel

### **208.5 TRAINING NEEDS ASSESSMENT**

The Training Unit 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.

#### **208.5.1 TRAINING RECORDS**

The Training Unit shall maintain training records for all department personnel.

## **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. E-mail 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 e-mail 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 E-MAIL RIGHT OF PRIVACY**

All e-mail messages, including attachments, transmitted over the Department computer network are considered Department records and, therefore, are the property of the Department. The Department reserves the right to access, audit, and disclose for whatever reason, all messages, including attachments, transmitted over its e-mail system or placed into its storage.

The e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail 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 e-mail. Employees using the Department's e-mail system shall have no expectation of privacy concerning communications utilizing the system.

### **212.3 PROHIBITED USE OF E-MAIL**

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

E-mail 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 e-mail, name and/or password by others.

### **212.4 MANAGEMENT OF E-MAIL**

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



## Cell Phones

### 213.1 POLICY

To improve Public Safety Communications through use of cell phone technology, cell phones shall be issued to all sworn and selected non-sworn personnel.

### 213.2 PROCEDURE

(a) General Provisions and Guidelines

1. All cellular telephone equipment requisitions, repairs, etc. will be coordinated through the Department Cell Phone Coordinator.
2. Employees issued cell phones shall carry them while on duty in a "ready" status.
3. Cell phones are intended to take advantage of technology and to improve our public safety communications ability, particularly as it relates to intradepartmental communications and allied agency communications. The direct connect radio feature shall be used whenever practical. As with all police communication equipment, transmissions will always be professional in nature. Use of the telephone feature shall be used only when a regular wired telephone is not available.
4. There is no requirement to carry the cell phone when off-duty in a non-paid status. No salary or hourly wage shall be paid or reimbursed for carrying the phone off-duty. If you choose to carry the cell phone off-duty, it is permissible, as the cell phone has both a radio and pager feature that can be accessed/used at no additional cost to the City or user. From a practical standpoint, on occasion (primarily when off-duty) the City realizes the cell phone may be used for a "personal use". Personal use is defined as a non-work related phone call, e.g., calling home to say you are working late is considered work-related. Reimbursement shall be necessary for personal phone calls whenever the individual telephone exceeds the allotted standard monthly minutes (currently 200 minutes per month). Excessive use of non-work phone calls on-duty is prohibited. All cell phone bills shall be monitored/audited on a monthly basis.
5. Reimbursement: When reimbursement is necessary it will be at the provider's per minute rate. All reimbursements shall be made payable to the "City of Santa Cruz" and forwarded to the Employee's Deputy Chief or designee.

## **Administrative Communications**

### **214.1 PURPOSE AND SCOPE**

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

### **214.2 PERSONNEL ORDERS**

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

### **214.3 CORRESPONDENCE**

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

### **214.4 SURVEYS**

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

## **Staffing Levels**

### **216.1 PURPOSE AND SCOPE**

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

### **216.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least one regular supervisor on duty whenever possible. Watch Commanders will ensure that at least one field supervisor is deployed during each watch, in addition to the Watch Commander.

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## Concealed Weapon License

### 218.1 PURPOSE AND SCOPE

The Chief of Police is given the statutory discretion to issue a license to carry a concealed firearm to residents within the community. This policy will provide a written process for the application and issuance of such licenses. Pursuant to Penal Code § 12050.2, this policy shall be made accessible to the public.

#### 218.1.1 APPLICATION OF POLICY

Nothing in this policy shall preclude the Chief of Police from entering into an agreement with the Sheriff to process all applications and licenses for the carrying of concealed weapons (Penal Code § 12050(g)).

### 218.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must:

- (a) Be a resident of the City of Santa Cruz
- (b) Be at least 21 years of age
- (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 concealed weapon. Fingerprints will be required and a complete criminal background check will be conducted
- (e) Be of good moral character
- (f) Show good cause for the issuance of the license
- (g) Pay all associated application fees. These fees are set by statute and may not be refunded if the application is denied
- (h) Provide proof of ownership and registration of any weapon to be licensed for concealment
- (i) Provide at least three letters of character reference
- (j) Be free from any medical and psychological conditions that might make the applicant unsuitable for carrying a concealed weapon
- (k) Complete required training

### 218.3 APPLICATION PROCESS

The application process for a license to carry a concealed weapon 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.

#### 218.3.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

- (a) Any individual applying for a license to carry a concealed weapon shall first fully complete a Concealed Weapons License Application to be signed under penalty of perjury. It is against the law to knowingly make any false statements on such an application (Penal Code § 12051 (b) & (c)).

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1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination.
- (b) At the time the completed application is submitted, the applicant shall submit a check made payable to the Department of Justice for the required application fee along with a separate check made payable to the City of Santa Cruz for a nonrefundable 20 percent of the application fee to cover the cost of processing.
  1. The application fee does not include any additional fees required for fingerprints, training or psychological testing.
  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 § 12050 (a)(1)(C)).
- (c) The applicant shall be required to submit two (2) full sets of fingerprints, one will be retained by the Department and the other will be submitted to the Department of Justice (DOJ) for a complete criminal background check. Two recent passport size photos (two inches by two inches) of the applicant shall be submitted for department use. Fingerprint and photograph fees will be collected in addition to the application fees. No person determined to fall within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103 may be issued a license to carry a concealed weapon.
- (d) The applicant shall submit at least three signed letters of character reference from individuals other than relatives.
- (e) The applicant shall submit proof of ownership and registration of each weapon to be licensed for concealment.

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

In the event that an application is denied at the conclusion of or during phase one, the applicant shall be notified in writing within ninety (90) days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later (Penal Code § 12052.5).

#### **218.3.2 PHASE TWO**

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

- (a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.
- (b) The applicant shall provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. (NOTE: All costs associated with this requirement shall be paid by the applicant.) Failure to provide satisfactory evidence of medical fitness shall result in removal of the applicant from further consideration.
- (c) The Chief of Police may require that the applicant be referred to an authorized psychologist used by the Department for psychological testing in order to determine

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

- (d) The applicant shall complete a 16 hour course of training approved by the agency minimally including firearms safety and the laws regarding the permissible use of a firearm.
- (e) The applicant shall submit any weapon to be considered for a license to the Rangemaster or other departmentally authorized gunsmith for a full safety inspection. The Chief of Police reserves the right to deny a license for any weapon from an unrecognized manufacturer or any weapon that has been altered from the manufacturer's specifications.
- (f) The applicant shall successfully complete a firearms safety and proficiency examination with the weapon to be licensed, to be administered by the department's Rangemaster or provide proof of successful completion of another departmentally approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

Whether an application is approved or denied at the conclusion of or during phase two, the applicant shall be notified in writing within 90 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the Department of Justice, whichever is later. (Penal Code § 12052.5).

#### **218.4 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED WEAPON**

The authority to issue a limited business license to carry a concealed weapon to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses (Penal Code § 12050(a)(2)(ii)). Therefore, such applicants may be referred to the Sheriff for processing .

An individual who is not a resident of the County, but who otherwise successfully completes all portions of phases one and two above, may apply for and be issued a limited license subject to approval by the Sheriff and subject to the following:

- (a) The applicant physically spends a substantial period of working hours in the applicant's principal place of employment or business within the City of Santa Cruz .
- (b) Such a license will be valid for a period not to exceed 90 days from the date of issuance.
- (c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides.
- (d) Any application for renewal or re-issuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides.

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#### **218.5 ISSUED CONCEALED WEAPONS LICENSES**

In the event a license to carry a concealed weapon is issued by the Chief of Police, the following shall apply:

- (a) The license will not be valid outside the state of California;
- (b) 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 concealed firearm.
  - 1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 12050(c)).
  - 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.
- (c) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of weapon, 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.
- (d) The license will be valid for a period not to exceed two years from the date of issuance.
  - 1. A license issued to 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.
- (e) The licensee shall notify this department in writing within ten days of any change of place of residency. If the licensee moves out of the county of issuance, the license shall expire ninety (90) days after the licensee has moved.

#### **218.5.1 LICENSE RESTRICTIONS**

- (a) The Chief of Police may place special restrictions limiting time, place and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from any of the following:
  - 1. Consuming any alcoholic beverage while armed
  - 2. Falsely representing him or herself as a peace officer
  - 3. Unjustified or unreasonable displaying of a weapon
  - 4. Committing any crime
  - 5. Being under the influence of any medication or drug while armed
  - 6. Interfering with any law enforcement officer's duties
  - 7. Refusing to display his/her license or weapon for inspection upon demand of any peace officer
- (b) The Chief of Police reserves the right to inspect any license or licensed weapon at any time.

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- (c) Any ammunition carried in a weapon licensed to be carried concealed, shall be inspected and approved by the department's Rangemaster or armorer. The carrying of any other ammunition in a licensed weapon shall be grounds for revocation.
- (d) The alteration of any previously approved weapon including, but not limited to adjusting trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

#### **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 accomplish one or more of the following:

- (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

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment(s). An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

#### **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) If the licensee has violated any of the restrictions or conditions placed upon the license
- (b) If the licensee becomes medically or psychologically unsuitable to carry a concealed weapon
- (c) If the licensee is determined to be within a prohibited class described in Penal Code §§ 12021 or 12021.1 or Welfare and Institutions Code §§ 8100 or 8103
- (d) If the licensee engages in any conduct which involves a lack of good moral character or might otherwise remove the good cause for the original issuance of the license
- (e) If the licensee establishes residency outside the city of Santa Cruz

The issuance of a license by the Chief of Police shall not entitle the holder to either a property or liberty interest as the issuance, amendment or revocation of such license remains exclusively within the discretion of the Chief of Police as set forth herein.

If any license is revoked, the Department will immediately notify the licensee and the Department of Justice pursuant to Penal Code § 12053.

#### **218.5.4 LICENSE RENEWAL**

No later than 90 days prior to the expiration of any valid license to carry a concealed weapon, the licensee may apply to the Chief of Police for a renewal by completing the following:

- (a) Verifying all information submitted in the original application under penalty of perjury
- (b) Taking an authorized training course of no less than four hours including firearms safety and the laws regarding the permissible use of a firearm
- (c) Submitting any weapon to be considered for a license renewal to the department's Rangemaster for a full safety inspection. The renewal applicant shall also



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successfully complete a firearms safety and proficiency examination with the weapon, to be administered by the Rangemaster, including completion of all releases and other forms

- (d) Payment of a non-refundable renewal application fee

Once the Chief of Police or authorized designee has verified the successful completion of renewal process, the renewal of the license to carry a concealed weapon will either be granted or denied. Prior issuance of a license shall not entitle any licensee to any property or liberty right to renewal.

Whether an application for renewal is approved or denied, the applicant shall be notified in writing within 90 days of the renewal application or within 30 days after receipt of the applicant's criminal background check from DOJ, whichever is later (Penal Code § 12052.5).

### **218.6 DEPARTMENT REPORTING AND RECORDS**

Pursuant to Penal Code § 12053, the Chief of Police shall maintain a record of the following and immediately provide copies of each to the Department of Justice:

- (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 concealed weapons issued to reserve peace officers and judges.

### **218.7 CONFIDENTIAL RECORDS**

The home address and telephone numbers of any peace officer, magistrate, commissioner or judge contained in any application or license shall not be considered public record (Government Code § 6254(u)(2)).

Any information in any application or license which tends to indicate when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of his/her family shall not be considered public record (Government Code § 6254(u)(1)).

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## Retired Officer CCW Endorsements

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the process and conditions associated with the issuance, revocation, and denial of a concealed weapons endorsement for retired officers of this department.

### 220.2 QUALIFIED RETIREES

Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of their employment shall be issued an identification card with a "CCW Approved" endorsement upon honorable retirement (Penal Code § 12027(a)(1)(D)).

- (a) For the purpose of this policy, "honorably retired" includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, 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 12027.1(b)(3)(e)).

### 220.3 MAINTAINING A CCW ENDORSEMENT

In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall:

- (a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense. Upon verification by this department that all annual requirements have been met by an otherwise qualified retired officer, the "CCW Approved" endorsement shall be re-stamped and dated.
- (b) Remain subject to all department rules and policies as well as all federal, state and local laws (Penal Code § 12027.1(a)(2)).
- (c) Only be authorized to carry a concealed firearm inspected and approved by the Department.

### 220.4 CARRYING FIREARMS OUT OF STATE

Subject to 18 United States Code 926C and Policy Manual § 312.8, qualified retired officers of this department may be authorized to carry a concealed weapon in other states.

### 220.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 12027(a)(1)(D)):

- (a) Photograph of the retiree.
- (b) Retiree's name and date of birth.
- (c) Date of retirement.
- (d) Name and address of this department.
- (e) A stamped endorsement "CCW Approved" along with the date by which the endorsement must be renewed (not more than one year). In the case in which a

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CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege".

#### **220.6 DENIAL OR REVOCATION OF CCW ENDORSEMENT**

The CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. Good cause, if challenged, shall be determined in the following manner:

- (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 (Penal Code § 12027.1(b)(3)).
- (b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree's last known address (Penal Code § 12027.1(b)(2)).
  1. The retiree shall have 15 days from the Department's verification of service to file a written request for a hearing.
  2. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.
- (c) If timely requested, the hearing for the denial or revocation of any CCW endorsement shall be 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 § 12027.1(d)).
  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".

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**Chapter 3 - General Operations**

## Use of Force

### 300.1 PURPOSE AND SCOPE

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

#### 300.1.1 PHILOSOPHY

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

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

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

### 300.2 POLICY

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

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

#### 300.2.1 USE OF FORCE TO EFFECT AN ARREST

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

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#### **300.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

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

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

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

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

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

#### **300.2.3 NON-DEADLY FORCE APPLICATIONS**

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints, control devices and TASER described in Policy Manual §§ 306, 308 and 309 respectively.

#### **300.2.4 PAIN COMPLIANCE TECHNIQUES**

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

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

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

#### **300.2.5 CAROTID RESTRAINT**

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

- (a) The officer shall have received departmentally approved training in the use and application of the carotid restraint.
- (b) The carotid restraint may only be used when the officer reasonably believes that such a hold appears necessary to prevent serious injury or death to an officer or other person(s).
- (c) Any individual who has been rendered unconscious by the use of the carotid restraint shall be promptly examined by paramedics or other qualified medical personnel.
- (d) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.
- (e) Any officer applying the carotid restraint shall promptly notify a supervisor of the use or attempted use of such hold.
- (f) The use or attempted use of the carotid restraint shall be thoroughly documented by the officer in any related reports.

#### **300.3 DEADLY FORCE APPLICATIONS**

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

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

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#### **300.4 REPORTING THE USE OF FORCE**

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

##### **300.4.1 NOTIFICATION TO SUPERVISORS**

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

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

##### **300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE**

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

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

#### **300.5 RESISTING ARREST/VIOLENCE AGAINST A SANTA CRUZ POLICE OFFICER/USE OF FORCE REPORTING**

##### **300.5.1 POLICY**

It is the policy of this Department to diligently investigate and thoroughly document all incidents of a violent nature against a Police Officer or Community Service Officer. This will include resistance by a citizen during an arrest situation and the use of force by a police officer to effect an arrest and/or defend themselves.

##### **300.5.2 PROCEDURE**

- (a) If a sworn officer or Community Service Officer, acting in the scope of authority, falls victim to an act of violence against their person or whose ability to function as an officer is obstructed, delayed or willfully resisted by another person, then a detailed, thorough investigation into such acts will be required. All officers will immediately notify their supervisor of this type of arrest, including the type and amount of force used.
- (b) Instances such as the simple application of a control hold to overcome minor resistance or a foot pursuit "flee only" do not require a supervisor's investigation, unless significant injuries to officers, suspects, witnesses, and/or uninvolved parties



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occur. A significant injury includes any injury that requires medical treatment, and injuries more serious than minor abrasions, cuts, or bruises.

1. At the conclusion of such instances it shall be incumbent upon the officer to obtain a recorded statement from the suspect inquiring about possible injuries.
2. The officer will take photographs of the suspect to confirm or refute the presence of injuries.
  - (a) Nothing in this protocol prohibits its application if the officer and/or supervisor deem it necessary.

#### **300.5.3 VICTIM OFFICER**

- (a) In the case of violence against an officer, the officer will be listed in the report as a victim.
- (b) The victim officer(s) must maintain self-control and professionalism. Their initial attention must be to protect themselves or others from injury and, whenever possible, successfully and safely restrain the suspect(s). To accomplish this restraint, officers should consider the appropriate level of force consistent with the level of resistance faced by the officer(s).

#### **300.5.4 SUPERVISOR RESPONSIBILITY**

- (a) In the event an officer becomes a victim and/or a significant level of force was used to effect an arrest, the investigation shall be personally supervised/conducted by the Field Supervisor. If the supervisor is unable to respond, another officer may be designated to investigate the matter. In all such cases, the victim officer's immediate supervisor will be responsible to ensure that a thorough and complete investigation is conducted. The victim officer(s) should not conduct their own investigation; they will assist as directed by their supervisor. A "significant" level of force is that amount of force that results in injury (does not include minor abrasions, cuts, or bruises) to the suspect or a level of force likely to produce great bodily harm.
- (b) The reporting responsibility is not predicated on the charging of a violation of Penal Code §§ 148 or 243. The responsibility will be predicated on the nature and level of force used by the officer, the level of suspect resistance, and whether anyone was injured during the application of force used to overcome resistance.
- (c) If injuries to the officer or arrestee occur that require anything more than basic medical attention, the duty Lieutenant shall be notified immediately.

#### **300.5.5 MEDICAL NEEDS**

Immediate medical needs to an involved party shall be provided. Injuries to all involved parties shall be clearly documented. Copies of any medical report or signed waivers shall be obtained by the investigating officer and processed as physical evidence. Necessary first aid shall be provided to the responsible party/parties once they are safely secured and protected from further injury to themselves or others.

#### **300.5.6 PHOTOGRAPHS**

The investigation shall include photographs of both the victim officer(s) and suspect(s) at the time of the incident/arrest. These photographs shall be taken in all cases, even though there are no signs of injury. The photos will be processed as physical evidence.

#### **300.5.7 WITNESSES**

- (a) Witnesses to the matter shall be identified and interviewed.
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- (b) All police officers who are involved in or witness the incident will complete reports documenting their actions and observations, and any witness statements they obtain.
- (c) All witness and suspect statements are to be documented in the investigation. All witness and suspect statements collected in the course of the investigation are to be recorded (may include in-car video). Witness and suspect statements and testimony are crucial evidence in case preparation and court procedures and must not be overlooked or discarded.
- (d) All officers shall activate their recorder during resistive encounters when possible/practical.
- (e) All recordings of contact(s) shall be processed as evidence.

#### **300.5.8 TRANSPORTATION**

Prisoner transportation should not be provided by the victim officer(s). This should be done by another officer or the investigating supervisor. Any exception requires supervisory approval and shall be documented in the police report. This transportation should be done as soon as practical after the incident/arrest. The transporting officer will complete a supplemental report as to the circumstances of the transportation, spontaneous statements, any booking incident, and any other information pertinent to the case. The above stated prisoner transportation guidelines do not apply in situations of "flee only" arrests where a violation of Penal Code § 148 is charged.

#### **300.5.9 ARREST REVIEW**

Supervisor arrest review and approval is mandatory. This is to occur as soon as practical following the incident. The approving supervisor is to be listed in the police report. This arrest review and approval shall, when possible, be in person, not via radio or telephone.

#### **300.6 REPORT**

- (a) The police report shall be detailed and thorough. It will include specific, detailed information about the events leading up to and involving the incident.
- (b) The officer's report(s) shall be reviewed by the supervisor who approved the arrest, prior to securing from duty. Exceptions to this must be approved by the Watch Commander.

#### **300.6.1 INVESTIGATION SECTION**

In the event the investigation will be lengthy, involve a large number of witnesses, or results in serious injury to either the officer or the suspect, the Field Supervisor may call upon the Investigation Section for assistance.

#### **300.6.2 TEAM/SECTION COMMANDER**

A copy of all reports pertaining to this order shall be sent to the officer's Deputy Chief, Lieutenant, and to the Professional Standards Unit. The Lieutenant shall, in a timely manner, review all reports for compliance with departmental orders and prosecutorial preparation.

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## Firearms Discharge Policy

### 304.1 PURPOSE AND SCOPE

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

#### 304.1.1 POLICY

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

- (a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to effect the arrest or prevent the escape of a suspected felon when the officer has probable cause to believe that the suspect has committed or intends to commit a felony involving the inflicting or threatened inflicting of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force where feasible.
- (c) To stop a dangerous animal.
  1. In circumstances where officers encounter an unexpected dangerous animal or are surprised by an animal which reasonably appears to pose an imminent threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.
  2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.
- (d) With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical (Penal Code § 597.1(e)). Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed .
- (e) For target practice at an approved range.

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

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#### **304.1.2 WARNING SHOTS**

Warning shots are prohibited.

#### **304.1.3 MOVING VEHICLES**

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

- (a) Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.
- (b) This is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others.
- (c) Officers may use deadly force to stop a fleeing suspect when the officer has probable cause to believe that the suspect has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death and the officer reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to others if the suspect is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force when feasible.

#### **304.1.4 REPORT OF WEAPON DISCHARGE**

Except during training or recreational use, any member who discharges a weapon accidentally or intentionally, on or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If on-duty at the time of the incident the member shall file a written report with his/her Division Commander prior to the end of shift and if off-duty, as directed by the supervisor but no later than the end of the next regularly scheduled shift.

## Leg Restraint Device

### **306.1 PURPOSE AND SCOPE**

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper use of these devices.

### **306.2 POLICY**

When an officer deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only restraint devices approved by the Department shall be used, and only in the departmentally approved manner for such temporary immobilization of the legs.

### **306.3 USE GUIDELINES**

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

- (a) If the officer and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking suspect.
- (b) If it is reasonable to protect the suspect from his/her own actions which would place him/her or her in danger e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers.
- (c) The restraint shall be used only after a person has been handcuffed.

#### **306.3.1 MEDICAL CONSIDERATIONS**

Prior to booking or release, medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

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

### **306.4 PROCEDURE**

The restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person by preventing them from using his/her legs in a manner likely to result in injury or damage. The restraint will only be used to bind and immobilize a person's legs. Only those officers trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

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- (a) If practical, officer(s) should notify a supervisor of the intent to apply the restraint. In all cases, a supervisor shall be notified as soon as practical after the application of the restraint
- (b) Once the person's legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs, insuring enough slack is left to allow the person to sit in an upright position.
- (c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility or the person no longer poses a threat
- (d) Once secured, the person should be placed in a seated or upright position and shall not be placed on his/her stomach for an extended period as this may potentially reduce the person's ability to breathe.
- (e) The restrained person should be constantly watched by an officer while in the restraint. The officer is to ensure the person does not roll onto and remain on his/her stomach.
- (f) The officer should look for signs of labored breathing and, where practical, take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

#### **306.4.1 TRANSPORTING RESTRAINED SUSPECTS**

When transporting a suspect(s) who has been restrained, officers shall observe the following procedures:

- (a) Restrained suspects may be transported in a patrol unit. They shall be seated in an upright position and secured by a seat belt. The long lead of the restraint will be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the suspect cannot be transported in a seated position he/she shall be taken by ambulance/paramedic unit.
- (b) When taken by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright position where practical. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.
- (c) Officers shall inform the jail staff that a restraint device was used on the arestee prior to arrival at the jail.

#### **306.5 DOCUMENTATION**

Anytime the restraint device is used, the circumstances requiring its use shall be documented in the related report(s). The officer should include the following in the report:

- (a) The amount of time the suspect was restrained
- (b) How the suspect was transported and the position of the suspect
- (c) Observations of the suspect's physical and physiological actions
- (d) Any known or suspected drug use or other medical problems

## **Control Devices and Techniques**

### **308.1 PURPOSE AND SCOPE**

To reduce and minimize altercation-related injuries to officers and suspects, the Department authorizes the use of selected control devices. Certain control devices are provided in order to control violent or potentially violent suspects. It is anticipated that the use of these devices will generally result in fewer altercation-related injuries to officers and suspects. The below procedures are for the use and maintenance of control devices (e.g., baton, oleoresin capsicum (OC) spray and other chemical agents). Only those control devices that have been approved by the Chief of Police or his/her designee are authorized to be carried by members of this department.

#### **308.1.1 WHEN DEVICES MAY BE USED**

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

#### **308.1.2 TRAINING FOR CONTROL DEVICES**

- (a) Only officers trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force policy are authorized to carry the device. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.
- (b) Training for all control devices should occur every two years at a minimum.
- (c) All training and proficiency for control devices will be documented in the officer's training file.
- (d) Officers failing to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force policy will be provided remedial training. If, after two additional attempts, an officer still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force policy, the officer may be subject to discipline.

### **308.2 BATON/ASP GUIDELINES**

The baton/ASP is authorized for use when, based upon the circumstances perceived by the officer, lesser force would not reasonably appear to result in the safe control of the suspect.

### **308.3 CHEMICAL AGENT GUIDELINES**

The use of chemical agents for crowd control/dispersal or against barricaded suspects shall be based on the circumstances. The Watch Commander, incident commander or Emergency Services Unit Commander may authorize the delivery and use of chemical agents, evaluating all conditions known at the time and determining that lesser force would not reasonably appear to result in the safe control of the suspect(s). Where practical, fire personnel should be alerted or summoned to the scene to control any fires and to assist in providing medical aid or gas evacuation when the scene is safe. Only officers or supervisors trained in the use of chemical agents should discharge such devices at the scene.

### **308.4 CHEMICAL AGENTS SPRAY GUIDELINES**

Only authorized personnel may possess and maintain department issued oleoresin capsicum spray. Chemical agents are weapons used to minimize the potential for injury to

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officers, offenders, or other persons. They should be used only in situations where such force reasonably appears justified and necessary.

#### **308.4.1 REQUIRED INSTRUCTION FOR USE**

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

#### **308.4.2 CARRYING OF OLEORESIN CAPSICUM SPRAY**

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

Canisters involved in any type of malfunction or damage shall be turned in to the employee's supervisor for exchange.

#### **308.4.3 PEPPERBALL SYSTEMS**

PepperBall projectiles are plastic spheres that are filled with oleoresin capsicum (OC) powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. The potential exists for the projectiles to inflict injury when they strike the face, eyes, neck, and groin. Therefore, personnel deploying the PepperBall system shall avoid intentionally striking those body areas unless a life-threatening situation exists. The use of the PepperBall system is subject to the following requirements:

- (a) Officers encountering a situation that requires the use of the PepperBall system shall notify a supervisor as soon as practical. The supervisor shall respond to all PepperBall System deployments where the suspect has been hit. The field sergeant shall make all notifications and reports as required by § 300 Use of Force Policy.
- (b) Only qualified, department-trained personnel shall be allowed to deploy and use the PepperBall system.
- (c) Each deployment of a PepperBall system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Only non-incident deployments are exempt from the evaluation form requirement (e.g., training, accidental discharges, or product demonstrations).

#### **308.4.4 TREATMENT FOR OC SPRAY EXPOSURE**

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

#### **308.4.5 REPORT OF USE**

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

#### **308.5 KINETIC ENERGY PROJECTILES**

This department is committed to reducing the potential for violent confrontations when suspects are encountered. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury.



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Kinetic energy projectiles are approved by the Department and are fired from 12 gauge shotguns or 37/40 mm launchers. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

#### **308.5.1 DEPLOYMENT**

Approved munitions are justified and may be used to compel an individual to cease his or her actions when such munitions present a reasonable option for resolving the situation at hand.

Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer(s) determine that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

#### **308.5.2 EXAMPLES OF CIRCUMSTANCES APPROPRIATE FOR DEPLOYMENT**

Examples include, but are not limited to, the following types of situations where the subject:

- (a) Is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions
- (b) Has made credible threats to harm himself or others
- (c) Is engaged in riotous behavior or is throwing rocks, bottles, or other dangerous projectiles at people and/or officers

#### **308.5.3 DEPLOYMENT CONSIDERATIONS**

Before discharging projectiles, the officer should consider the following factors:

- (a) Severity of the crime or incident.
- (b) Subject's capability to pose an imminent threat to the safety of officers or others.
- (c) If the subject is actively resisting arrest or attempting to evade arrest by flight.
- (d) The credibility of the subject's threat as evaluated by the officers present, and physical capacity/capability.
- (e) The proximity of weapons available to the subject.
- (f) The officer's versus the subject's physical factors (e.g., age, size relative strength, skill level, injury/exhaustion, the number of officer(s) versus subject(s)).
- (g) The availability of other force options and their possible effectiveness.
- (h) Distance and angle to target.
- (i) Type of munitions employed.
- (j) Type and thickness of subject's clothing.
- (k) The subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

#### **308.5.4 DEPLOYMENT DISTANCES**

Officers should keep in mind the manufacturer's recommendations regarding deployment when using control devices, but are not solely restricted to use according to these manufacturer recommendations. Each tactical situation must be evaluated on the totality of circumstances at the time of deployment.

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#### **308.5.5 SHOT PLACEMENT**

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 when deadly force is not reasonably justified.

Officers should generally follow the manufacturer's recommendations regarding minimum deployment distances and target areas however any target area or distance may be considered when it reasonably appears necessary to accomplish immediate incapacitation in order to prevent serious injury or death and other reasonable methods have failed or reasonably appear ineffective.

#### **308.5.6 APPROVED MUNITIONS**

Only department approved kinetic energy munitions shall be carried and deployed.

#### **308.6 TRAINING REQUIRED FOR USE**

Personnel who have successfully completed an approved departmental training course shall be authorized to use kinetic energy projectiles. Officers deploying kinetic energy projectiles will complete an annual recertification course.

#### **308.7 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES**

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

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## **TASER™ Guidelines**

### **309.1 PURPOSE AND SCOPE**

Personnel who have successfully completed the Department Taser Training Program shall be authorized to carry and use the Taser in accordance with this policy. The Taser is a control device available to officers when circumstances known to the individual officer indicate that it would be reasonable to use the Taser to control violent or potentially violent suspects. It is anticipated that the use of such a device will result in fewer altercation-related injuries to officers and suspects. The purpose of this policy is to deploy and use the Taser to maximize the safety of all individuals involved in an incident.

- (a) **DEFINITION: TASER-** The Taser is a non lethal device used to incapacitate subjects by discharging an electronic current in the subject via two wired probes. The Taser may also be used in a drive-stun capacity with a fired cartridge in the device or when the Taser is not loaded with a cartridge.

### **309.2 CRITERIA FOR USE**

- (a) The Taser shall only be used by officers and supervisors trained in its deployment and use. Officers shall use the Taser in a manner that is consistent with departmental orders and training guidelines.
- (b) The Taser is NOT a substitute for deadly force.
- (c) The Taser shall not be displayed on calls or incidents unless the officer reasonably believes there is a potential for the Taser's use. The circumstances of each call or incident shall dictate the reasonableness for the deployment of the Taser.
- (d) No individual officer shall simultaneously draw and hold a Taser and any firearm.
- (e) The Taser may be used only when necessary to overcome actual or threatened physical resistance encountered in the discharge of an official duty where it is reasonably believed that the use of a less obtrusive method would either allow the individual to escape, or would expose the officer or others to physical injury. When the Taser is used during incidents of threatened physical resistance, officers shall clearly articulate what actions, statements, or facts were present that led the officer to believe that the suspect posed a threat of physical harm to the officer or another person.
- (f) The Taser may be used to protect a subject when that person is either attempting to injure himself or commit suicide.
- (g) The Taser may be used in the drive-stun mode to gain control of suspects displaying active resistance. The drive-stun mode shall not be used with a live air cartridge in place.
- (h) Caution shall be used prior to multiple applications of the Taser on an individual. The need for additional applications shall be clearly articulated and shall include the actions of the suspect that led the officer to believe that the suspect still posed a threat to the officer, exposing the officer or others to physical injury. Non-compliance of verbal commands alone is not justification for additional applications. Other factors that shall be considered and articulated are:
1. Number of officers vs. suspect.
  2. Suspect displays great strength or fighting ability.
  3. Suspects proximity to weapons and specifically what weapons.

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4. The presence of drugs and/or alcohol.
5. Confined space or other hazards present at the scene.

#### **309.2.1 AUTHORIZED USE**

- (a) Only those officers who have successfully completed the approved certified training will be authorized to use the Taser. Officers must be re-certified bi-annually.
- (b) Only department issued Tasers will be used. No personal Tasers will be allowed.

#### **309.3 HOW TO CARRY**

- (a) When in the field, the Taser shall be carried in the department approved holster. The holster shall be carried opposite of the officer's duty sidearm or secured in a locked patrol car.
- (b) The Taser should remain holstered at all times unless it is being tested, inspected, or when used in accordance with department policy.
- (c) The Taser will be carried in the holster with the safety in the "ON" position.

#### **309.4 DEPLOYMENT OF THE TASER**

- (a) Handle the Taser like you would a loaded weapon.
- (b) No individual officer shall simultaneously draw and hold a Taser and any firearm.
- (c) The Taser shall not be purposely fired at the head, neck or genital area. The Taser will not be individually aimed at any person's eyes.
- (d) Whenever possible, steps should be taken to obtain back up personnel prior to the use of the Taser. Back up personnel should be deployed in such a manner as to enable them to take the suspect into custody.
- (e) Whenever a Taser is to be deployed, it is the responsibility of the deploying officer to make other officers on scene understand that the Taser is being deployed and NOT LETHAL FORCE. This should be done prior to the deployment of the Taser if at all possible. This will be done by announcing "Taser" several times.

#### **309.5 MEDICAL TREATMENT**

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics, imperviousness to pain, or who require a protracted physical encounter with multiple officers to bring under control, may be at an increased risk of sudden death and should be examined by qualified medical

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personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

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

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

### **309.6 UNAUTHORIZED USE OF TASER**

- (a) The Taser shall never be used near flammable liquids or fumes, blasting caps or explosives, or in highly flammable environments such as clandestine labs.
- (b) The Taser is not intended for use on any known or obviously pregnant females as this could cause complications from secondary injury or fall.
- (c) The Taser is not intended for use on any subject where severe injury would result in a fall from significant heights or into a hazardous environment. When used in or near any body of water the ability to rescue the subject should be taken into consideration.
- (d) The Taser will not be deployed from or at a moving vehicle, unless it can be justified in the defense of one's life or that of another.
- (e) At no time shall the Taser be used for the purpose of punishment or as an interrogative device.
- (f) No officer shall playfully, maliciously, or intentionally misuse the unit in a display of power or against an individual except to lawfully gain control of a situation.
- (g) The Taser will not be used on juveniles who appear to be under 14 years of age except where the juvenile exhibits unusual size, strength, or fighting ability, or is armed with a deadly weapon.
- (h) The Taser is not intended to be used on individuals who are handcuffed except when faced with continued violent resistance.

### **309.7 POST USE PROCEDURES**

- (a) After use of the Taser, as soon as is safe to do so, restrain the suspect.
- (b) Assess the subject for injuries. Provide appropriate medical attention.
- (c) Probe Removal
  - 1. Any person who has been subjected to the electric discharge of a Taser and/or struck by Taser darts shall be medically cleared prior to being booked. Individuals who have been subjected to the electric discharge of a Taser and/or struck by Taser darts and who are also suspected of being under the influence of controlled substances and/or alcohol should also be examined by paramedics or other qualified medical personnel as soon as practicable.
- (d) The tasered subject will be transported to a medical facility for a medical clearance prior to booking.
- (e) Photographs will be taken of the probe impact sites and/or drive-stun application points and any other injuries.
- (f) The Taser cartridge and probes used shall be gathered, photographed and disposed of as biohazard. The probes shall be handled in accordance with biohazard

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materials. If possible a sampling of AFID (Anti-Felon Identification) "microdots" that are discharged with the probes should be collected and booked in as evidence. Officers should wear protective gloves while handling probes.

- (g) Use of the Taser shall be fully documented in a police report. The expiration date of the cartridge shall be listed in the report and the serial number of the Taser used.

#### **309.7.1 SUPERVISOR RESPONSIBILITY**

- (a) The immediate supervisor will be notified any time a Taser is used on a subject or accidentally discharged.
- (b) The supervisor will:
  1. Respond to the scene where the Taser has been deployed.
  2. Ensure that appropriate medical treatment is provided to all subjects.
  3. Ensure that photographs are taken of injuries including probe penetration sites and any other injuries.
  4. Ensure that the incidents involving any discharge of the Taser are investigated and documented per department policy.

#### **309.7.2 REPORTING USE OF TASER**

- (a) Any officer who discharges a Taser for any reason, other than at an approved training exercise, will notify an on-duty supervisor.
- (b) The incident will be appropriately documented according to department policy.
- (c) All accidental discharges of a Taser will be thoroughly documented in a memo. This memo will be routed to the Division Commander via the chain of command.

## Officer-Involved Shooting

### **310.1 PURPOSE AND SCOPE**

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

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

### **310.2 INVESTIGATION RESPONSIBILITY**

This Department conforms to the Santa Cruz County Law Enforcement Chief's Association Critical Incident Protocol for investigating officer-involved shootings.

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

When a sworn peace officer is involved in a situation resulting in a death or a substantial risk to human life, the resulting investigation is frequently more complex and demanding than such incidents not involving law enforcement officers. This protocol is intended to provide guidance to Santa Cruz County law enforcement agencies in the investigation of these cases which are termed Critical Incidents.

The challenge of investigating a Critical Incident is heightened not only by the complicated nature of the case but also the fact that these events frequently involve multiple witnesses and more than one police jurisdiction. Events may occur in rapid order. The fast pace of the investigation, differing agency investigative procedures, and the need for immediate decision also impact the situation. A protocol in which the framework for Critical Investigations has been thought through in advance of that event can be of an enormous assistance.

This protocol was developed to aid Santa Cruz County agencies with the criminal investigation of an Officer-Involved Critical Incident. Its goals are to assure that:

- Such cases are fully and fairly investigated;
- Proper disposition of such cases is based upon all the legal relevant evidence available; and
- The rights of all those affected are respected.

The protocol does not cover any separate administrative investigation of a Critical Incident. Administrative investigations are within the complete control of the agency employing the involved officer. These administrative investigations are intended to deal with internal issues such as compliance with agency regulation and claims which might be made against the officer or the employing agency. To the extent possible, the criminal investigation conducted pursuant to this protocol shall be kept separate from any contemporaneous administrative review. While this document represents the understanding and agreement among member agencies as to how such cases are to be investigated, the Protocol:

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- (a) Permits agencies to make modifications in order to meet Individual agency regulations;
- (b) Is not intended to increase the civil or criminal liability of member agencies or their employee's; and
- (c) Shall not be construed to create any mandatory obligations to, or on behalf of, third parties.

### **310.3 GENERAL POLICY**

As would be the case with any criminal investigation into a death or near death, each Critical Incident Investigation will be performed to develop all available, relevant information about the Critical Incident. It will be handled in a manner which provides for a thorough and credible investigation that is free of conflicts-of-interest or the appearance of them.

The purpose of any Critical Incident Investigation is to:

- (a) Determine whether or not a crime occurred; and
- (b) If a crime did occur, determine the identity of the person(s) legally responsible.

Each investigation shall be performed in a manner consistent with the rights of all affected parties. The investigation of each Critical Incident will commence as promptly as practicable after the occurrence.

#### **310.3.1 DEFINITIONS**

- (a) **Critical Incident:** Any Incident in which:
  - 1. A law enforcement agency's sworn and civilian employees, including reserves, cadets, and volunteers;
  - 2. Acting under color of authority;
  - 3. Are directly involved;
  - 4. Where death or the substantial risk of death results. Examples of such incidents include:
    - (a) Intentional and accidental shootings or discharge of firearms. (The Venue Agency or the Employing Agency has the option of requesting the response of the Critical Incident Management Team for missed shots.)
    - (b) Intentional use of any other deadly or dangerous weapons.
    - (c) Any intentional act on the part of an employee which proximately causes death of another or injury likely to produce death.
    - (d) Death of person while in custody or under law enforcement agency control other than while incarcerated in a county jail facility.
    - (e) Vehicular collisions.
- (b) **Peace Officer, Officer:** As used herein, the terms "peace officer" and, simply, "officer" are used interchangeable and encompass the sworn personnel of United States law enforcement agencies, including:
  - 1. Local law enforcement agencies, including, but not limited to, Municipal Police Departments, Sheriff's Offices, District Attorneys' Offices, and County Probation Departments.
  - 2. State law enforcement agencies, for example: CHP, DOJ, University Police Departments, State Parole, and State Parks.



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3. Federal law enforcement agencies, for example: FBI, ATF, U.S. Marshall, Customs, ICE, and Secret Service.
- (c) **Employing Agency:** Is the law enforcement agency by whom the Subject Officer is employed.
- (d) **Subject Officer:** Is the sworn law enforcement officer(s) directly involved in the Critical Incident's sequence of events to such an extent that he/she/they may have been a "proximate cause" of the harm or threat of harm to another person.
- (e) **Proximate Cause:** Is a cause which, in a natural and continuous sequence, produces the death or creates the substantial risk of a death, and without which cause, the death or substantial risk of a death would not have occurred.
- (f) **Critical Incident Investigators:** Are the persons assigned by the Critical Incident Management Team.
- (g) **Venue Agency:** Is the agency, or agencies, within whose geographic jurisdiction the "Critical Incident" occurs.

1. **THE VENUE AGENCY FOR THE FOLLOWING AREAS ARE DESIGNATED AS FOLLOWS:**

- (a) Santa Cruz County Sheriff-Coroner:
  1. All unincorporated areas of the County (including other legal entities and districts);
  2. Sheriff's custodial facilities within Santa Cruz limits, including Water Street, Blaine Street and those portions of the County Governmental Center which constitute the courts building and the Board of Supervisors Chambers;
  3. Sheriff's custodial facilities within Watsonville City limits, including, but not limited to, that facility located in the County Courthouse at 1430 Freedom Boulevard and the courtroom;
  4. The California Youth Authority Facility, Ben Lomond;
  5. Santa Cruz County Probation Department (Graham Hill Complex).
- (b) Santa Cruz Police Department:
  1. All incorporated areas of the City of Santa Cruz (including other legal entities and districts).
- (c) Scotts Valley Police Department:
  1. All incorporated areas of the City of Scotts Valley (including other legal entities and districts).
- (d) Capitola Police Department:
  1. All incorporated areas of the City of Capitola (including other legal entities and districts).
- (e) Watsonville Police Department:
  1. All incorporated areas of the City of Watsonville (including other legal entities and districts) except as listed in (a, 3) above.
- (f) University of California Police-Santa Cruz:
  1. All areas within the boundaries of the University of California (including other legal entities and districts).

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- (g) California Highway Patrol:
  - 1. All incidents involving a fatal traffic collision on any public or private road.

#### **310.3.2 CRITICAL INCIDENT MANAGEMENT AND TEAM MOBILIZATION**

- (a) Mobilization of the Critical Incident Management Team
  - 1. The on-scene agency(s) will review the available facts and make a preliminary determination of whether this Protocol may apply.
  - 2. If it is preliminarily determined that this Protocol may apply, then the on-scene agency(s) will make a preliminary decision designating the Venue Agency, and any other agency directly involved.
  - 3. The on-scene agency(s) will immediately contact the Venue Agency's watch commander to advise him/her of the facts and the necessity of initiating the procedure to call together a Critical Incident Management Team.
  - 4. The Venue Agency's watch commander will notify the appropriate individuals within his/her chain of command including the managers empowered to invoke this Protocol.
  - 5. The Venue Agency will invoke the Protocol and initiate a call to other identified agencies, convey the facts underlying the call out and ask each agency to send its assigned Critical Incident Management Team member to a designated location.
- (b) The Venue Agency will note, in writing, the identities of each agency representative who responds.

#### **310.3.3 COMPOSITION OF THE CRITICAL INCIDENT MANAGEMENT TEAM**

- (a) The Management Team will be comprised of one management-level representative from each of the following: the Venue Agency, the Employing Agency (if different from the other here enumerated agencies), the Office of the District Attorney, and the Sheriff-Coroner's Office.
- (b) In the event that any law enforcement agency, not a signatory to this Protocol, has an employee who is a subject officer in the Critical Incident, that agency shall have a management-level representative on the Critical Incident Management Team.
- (c) All members of the Management Team shall have authority to make policy decisions and commit resources on behalf of their employing agencies without further inquiry.
- (d) Each signatory agency will maintain a list of its own personnel who satisfy this criteria. Signatory agencies will ensure that their lists are available to those persons likely to receive a call to initiate the Critical Incident Management Team.
  - 1. The representative from the Venue Agency will be in charge of the team and will be designated the "Critical Incident Commander".
  - 2. The Venue Agency may elect to cede the role of Critical Incident Commander to another member of the Critical Incident/Management Team.
  - 3. Critical Incident Management Team members will initially meet at the Venue Agency's office unless instructed to the contrary.
  - 4. The Critical Incident Management Team will make the final determination of the Venue Agency.
  - 5. The Critical Incident Management Team shall have the authority to call upon the resources of the signatory agencies.

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6. The Critical Incident Management Team will establish a command post.
7. The Critical Incident Management Team will manage and direct the investigation utilizing Venue Agency resources as much as possible (personnel, equipment, money).

#### **310.3.4 INVESTIGATIVE RESPONSIBILITY**

- (a) Until a Critical Incident Management Team designates the Critical Incident Investigative Team and that Team begins to assume investigative responsibility, immediate investigative responsibility will rest with the Venue Agency.
- (b) The Venue Agency may defer this investigative authority to the Employing Agency if all of the following are determined at the time of the Critical Incident:
  1. The subject officer was on duty;
  2. The subject officer was in the performance of official duties; and
  3. The subject officer was acting in connection with a criminal matter originating in the Employing Agency.

#### **310.3.5 RESPONSIBILITY FOR CRITICAL INCIDENT SCENE**

- (a) Under the direction of and reporting to the Critical Incident Management Team and its Lead Investigator, the Venue agency will follow its normal procedures in securing the scene, identifying, isolating, and interviewing witnesses.
- (b) Pursuant to this, the Venue agency will start a chronological log of activity including, but not limited to, time received, arrived, responding units, when call-outs made, etc.
- (c) Designation of the Lead Critical Incident Investigator:
  1. The Critical Incident Management Team will determine the identity of the lead Critical Incident Investigator. Normally, the Lead Investigator will be an employee of the Venue Agency who has sufficient training, and experience to run the Critical Incident Investigation.
- (d) The lead critical Incident Investigator shall report and be responsible to the Management Team for his/her handling of the investigation. The Lead Investigator, through individual Management Team members, may call upon the various investigative resources of the other Agencies comprising the Management Team. The Lead Investigator will be given the authority to conduct the Critical Incident Investigation as he/she sees fit, subject to the direction and control of the Management Team.
- (e) In Critical Incidents where a vehicular collision or other vehicular movement is involved, the California Highway Patrol may be called upon for investigatory assistance in that phase of the Critical Incident Investigation.

#### **310.3.6 DISTRICT ATTORNEY'S ROLE IN THE INVESTIGATION**

The District Attorney, or his designated Deputy, will assist and advise the Lead Critical Incident Investigator on the various relevant legal issues (including, for example, search and seizure, Miranda, identification procedures, arrests, elements of crimes, immunity, and voluntariness) and assist the police investigation as a member of the Critical Incident Management Team.

Following completion of the investigation, the District Attorney will determine if criminal liability exists, and prosecute as appropriate.

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- (a) The District Attorney also has the right to perform his/her own investigation of the critical incident, independent from the police investigation. If such an independent investigation is being conducted, the District Attorney will notify the Critical Incident Management Team and the Venue Agency, except if notification would compromise the integrity of the independent investigation.
- (b) A District Attorney Investigator assigned to participate as a Critical Incident Investigator assisting or teamed with a Venue Agency Critical Incident Investigator will not be a member or participant of an Independent District Attorney investigation unless the Venue Agency is notified of such a dual role.

#### **310.3.7 WORKING WITH SUBJECT OFFICER**

One obligation of the Critical Incident Management Team is to ensure the consistent and fair treatment of all persons involved including law enforcement employees who are involved in critical incidents, maintain the integrity of the investigations, and ensure the proper handling of evidence. Therefore, the Critical Incident Management Team and its Investigators should:

- (a) If at all possible, avoid taking the subject officer to the same medical facility as the suspect.
- (b) As the subject officer if he or she wishes to have another officer stay with him/her (one not involved in the critical incident).
- (c) Explain the investigative process to the subject officer(s), review this Protocol with them and give them a copy of it.
- (d) Separate subject officers, if there are two or more of them, as soon as possible after the Critical Incident.

#### **310.3.8 EVIDENCE COLLECTION**

The goal of the evidence collection is to ensure that all items relevant, or possibly relevant, to a critical incident are located, collected and preserved; that the items be analyzed by a criminologist or forensic professional as soon as possible; and that the chain of evidence is established and remains clear through storage, analysis, and presentation to administrators, boards and the courts.

- (a) Crime scene evidence collection shall be the responsibility of the Santa Cruz County Sheriff's Office Crime Scene Investigation Unit.
  - 1. All of the firearms, which have been used and all ammunition which the officer is carrying, should be collected for testing.
  - 2. Collection of the firearm magazines and entire gun belt should be done in an "as is" condition and collected as soon as reasonable.
  - 3. If at all possible, officers will not be relieved of their guns in front of other people.
  - 4. If at all possible, at the time officers are relieved of their guns, the on-scene supervisor will replace the guns with substitutes.
  - 5. The subject officer(s) uniform condition should be documented.
    - (a) Photographs should be taken of the officer in his/her uniform in where Official ID might be challenged.
    - (b) In cases where there may be evidence on the uniform, the uniform should be collected as evidence.
- (b) All evidence will be booked at the Sheriff's Office.
- (c) The District Attorney's Office will review the collected evidence within 72 hours.

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1. The District Attorney and the Critical Incident Management Team will designate which items of evidence will be sent for processing.
  2. The Sheriff's Office will cause the evidence to be delivered to the proper facility to complete the requested analysis.
- (d) Upon completion of the criminal investigation, the Sheriff's Office will deliver the evidence and original reports to the Venue Agency for storage.
1. All evidence not sent for analysis will also be sent to the Venue Agency, along with the original reports.
- (e) The Critical Incident Commander or his/her designee will, if requested, present the evidence and case information to the Venue or legitimate authorized entity.

### **310.3.9 OBTAINING INFORMATION FROM AND INTERVIEWS WITH SUBJECT OFFICERS**

- (a) Peace Officers will be afforded the same rights as other citizens in a criminal investigation. The Peace Officer's Bill of Rights (Government Code §3300 et seq.) are applicable in administrative procedures arising out of this incident.
- (b) A peace officer who is the focus of a criminal investigation cannot be compelled to answer questions. Officers can be ordered to respond in an administrative investigation, however, information obtained under compulsion in this way cannot be used in the criminal case.
- (c) The only types of information that can be compelled from a subject peace officer at the scene of a critical incident are those directly related to immediate public safety issues. A subject officer can be compelled to provide a verbal summary of the occurrence including:
1. The direction of fire and number of rounds expended for each "shooter";
  2. Whether any suspects remain at large;
  3. The location of possible other parties injured during the incident.
- (d) Any questions may be asked of him unless there is sufficient probable cause to believe that the subject officer has committed a crime and is no longer free to go. If the latter is the case, the subject officer should be Mirandized before obtaining information from him/her.
- (e) The foregoing are some of the reasons why Critical Incident Investigators and the Critical Incident Management Team must maintain a separation between their own criminal investigation and any administrative investigation. For example, administrative investigators cannot question subject officers in the presence of Critical Incident Investigators.
- (f) In addition, the Critical Incident Investigators will observe the following rules:
1. Interviews with all peace officers, whether subjects or witnesses to a Critical Incident, will be tape recorded.
  2. The interviews should be conducted by the Critical Incident Investigator(s) designated by the Lead Investigator. The Lead Investigator will determine who may participate in the interview of any subject officer(s) or witnesses and where the interview(s) will take place.
  3. The assigned District Attorney Critical Incident Investigator and the Employing Agency Critical Incident Management Team member, if not physically present

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during the interview, will be permitted to monitor the interview or have immediate access to any tape recording made of the interview.

- (g) If prior to or during the interview, it is deemed that the subject officer (or any other officer) may be charged with a criminal offense or that the interview has become custodial, the officer shall be immediately informed of his/her constitutional rights pursuant to the Miranda Decision.
- (h) A request by a subject officer to consult with a representative prior to being questioned by Critical Incident Investigators will be honored. Some or all of these considerations may be applicable:
  - 1. The request should be treated as if it were a request by a civilian subject for the same privilege.
  - 2. While such consultation can be expected to delay certain investigation milestones, the consultation should not be allowed to improperly impede the investigation.
  - 3. The representative should be permitted to consult with only one subject officer at a time.
- (i) Critical Incident Investigators shall bear in mind and remind subject and witness officers that if the officers consult with peer counselors or other officers prior to being questioned, any statements or other information communicated may be subject to discovery.
- (j) In all instances, all witnesses (sworn and civilian) and subject officers should be separated as soon as possible after the Critical Incident. Statements and recollections of events should be independent.

#### **310.4 INTOXICANT TESTING OF SUBJECT OFFICERS**

- (a) If the Lead Critical Incident Investigator determines that a peace officer's state of sobriety is relevant to the Critical Incident Investigation, he/she shall proceed as he/she would with any civilian person in a similar situation. The options are to:
  - 1. Obtain a blood sample for alcohol testing, and/or urine sample for drug testing, by obtaining the officer's consent; or
  - 2. Obtain the blood sample for alcohol testing and/or urine sample for drug testing incidental to the arrest of that person for a crime; or
  - 3. Obtain a search warrant authorizing the compelled testing.
- (b) In the event appropriate physiological samples are not obtained from a subject officer as part of the Critical Incident Investigation, the Employing Agency (whether or not it is also the Venue Agency may wish to obtain such a sample(s)) may wish to obtain such a sample(s) for employment-related Administrative Investigation purposes. The options are to:
  - 1. Obtain the sample(s) with the employee officer's consent; or
  - 2. Obtain the sample(s) by ordering the employee officer to provide such sample(s) based upon the employer-employee relationship. Physiological samples obtained as a result of an administrative order by the Employing Agency cannot be used for any purpose in the Criminal Incident Investigation.
- (c) Law Enforcement Agencies may establish blanket orders regarding intoxicant testing of any public safety employee involved in a Critical Incident.

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- (d) Time is of the essence: It is essential that the Critical Incident Investigators determine how they will attempt to obtain a sample for intoxicant testing from any subject officers and thereupon inform the Employing Agency's Critical Incident Management Team member of their decision. Any delay can result in a less accurate test result for the Employing Agency if that Agency elects to utilize intoxicant testing on its own.
- (e) If the Employing Agency asks for a physiological fluid sample for administrative purposes after the Critical Incident Investigators have either been unable to obtain a sample or have decided against obtaining one, the Employing Agency will be accommodated as much as possible.
- (f) A subject officer may volunteer to provide a physiological fluid sample for intoxicant testing even if the Critical Incident Investigators and Employing Agency have not requested or ordered one (respectively). Similarly, a person from whom a sample has been taken by the Critical Incident Investigators or the Employing Agency may wish to have a second sample taken for independent testing. Such requests should be accommodated where practical, with the understanding that the subject officer will bear any expense for sample collection and testing.

### **310.5 AUTOPSY**

- (a) At least one of the Venue Critical Incident Investigators shall attend the autopsy. A member of the District Attorney's staff may also be present. The Santa Cruz County Sheriff's Office Crime Scene Investigation Unit will have the responsibility for collection and documentation of physical evidence at the autopsy.
- (b) If the Employing Agency is not the Venue Agency, it may have a representative present as an observer subject to the discretion of the Coroner's Office.
- (c) The pathologist should receive a full and complete briefing prior to the post-mortem examination. The briefing should include all information known at that time which may be relevant to the establishment of the cause, manner and means of decedent's death. The Lead Critical Incident Investigator and a member of the evidence collection team should be present at the briefing.

### **310.6 NEWS MEDIA RELATIONS**

While any agency with knowledge of a Critical Incident cannot be prohibited from making statements to the news media, these guidelines are established.

As the Venue Agency's member on the Critical Incident Management Team is in the best position to comment about the facts of the case and the progress of the investigation, other Agencies will refer media contacts to him/her apart from the following:

#### **310.6.1 EMPLOYING AGENCY**

When the Employing Agency is not also the Venue Agency, the Employing Agency will try to limit its comments to the following areas:

- (a) Confirmation of the employer-employee relationship.
- (b) Information which has been cleared for release by the Venue Agency.
- (c) The existence of the Critical Incident Management Team and Investigators, as well as the Incident Protocol.
- (d) The existence of an Internal Agency administrative inquiry.

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#### **310.6.2 THE DISTRICT ATTORNEY**

- (a) Prior to completion of the Critical Incident Investigation, the District Attorney's Office will try to limit its comments to information cleared for release by the Venue Agency and the existence of the Critical Incident Management Team and Investigators, as well as the Incident Protocol.
- (b) In cases presented to the Grand Jury, where an indictment is not returned, disclosure of all or part of the testimony of witnesses before the Grand Jury can be disclosed only upon order of the Court pursuant to Penal Code § 924.6. Other information may be disclosed in accordance with the media policy of the agency to which inquiry is made.
- (c) In cases where charges are to be filed, each agency involved will follow the media policy which it has established for dealing with inquiries concerning criminal cases.

#### **310.6.3 THE CRIMINALISTICS LABORATORY**

Information released will generally be confined to laboratory procedures, scientific facts and principles, and testing procedures. Results of searching, testing and analysis will generally not be released without consulting the Venue Agency and the District Attorney.

#### **310.6.4 THE CORONER'S OFFICE**

- (a) Release of information will generally be limited to the following:
  - 1. Autopsy findings, including the condition of the deceased, the cause of death, and toxicology test results, after the involved agencies have received this information.
  - 2. The identity of those present at the autopsy, including the identity and affiliation of the pathologist(s).
  - 3. The general nature of further medical testing or medical investigation to be done.
  - 4. Information obtained by Coroner's Investigators directly from medical sources, the deceased's family members, or witnesses. Information obtained from the Critical Incident Investigators or from the involved agencies will not be released by the Coroner's Office without prior clearance from those agencies.
  - 5. The role of the Coroner's Office in the investigation of death, in general terms.
- (b) If the Lead Critical Incident Investigator determines that the release of a specific piece of information would jeopardize the investigation, he/she shall notify those agencies possessing that knowledge of the hazards of releasing it.
- (c) Interruptions to the investigators will be minimized if the Venue Agency assigns a particular individual to be the sole contact with the news media. If this is not feasible, a particular job assignment (e.g. Watch Commander) will be designated.
- (d) The interest of the public's right to know what occurred must be balanced with the requirements of the investigation and with the right of a defendant to receive a fair trial.

#### **310.6.5 RELEASE OF NAMES OF SUBJECT OFFICERS IN CRITICAL INCIDENTS**

- (a) Generally, member agencies release the names of its Department personnel involved in Critical Incidents. The release of the names should only be made after the concerned Officer(s) have had an opportunity to notify their families.
- (b) If the Officer is working undercover or in another Assignment or circumstances that would be compromised by releasing his/her name, then the release shall not be made.



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#### **310.7 COMPLETION OF THE CRITICAL INCIDENT INVESTIGATION AND FORWARDING OF THE REPORT**

Expeditious completion of the Critical Incident Investigation Report and forwarding it to the District Attorney for his/her further consideration are very important. Once the Critical Incident Investigative Report has been completed to the satisfaction of the Lead Investigator, he/she shall forward it to the Critical Incident Management Team. The Management Team shall review the report.

- (a) In the event that a majority of the members of the Management Team are not satisfied with the report, they may send it back to the Lead Investigator with instructions for further work.
- (b) When a majority of the members of the Management Team are satisfied with the report, the Team may arrange the distribution of the report to the following individuals:
  - 1. The administrative head of the Venue Agency;
  - 2. The administrative head of the Employing Agency, if different;
  - 3. The Sheriff;
  - 4. The District Attorney.

#### **310.7.1 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.

#### **310.8 ADMINISTRATIVE INVESTIGATION**

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

- (a) Any officer involved in a shooting may be administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
  - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his or her prior statement before proceeding with any subsequent interview(s). (Govt. Code § 3303(g))
  - 2. 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.

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3. 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.
4. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. (Govt. Code § 3303(i))
5. Administrative interview(s) should be tape recorded by the department (the officer may also record the interview - Govt. Code § 3303(g))
6. The officer shall be informed of all constitutional "Miranda" rights (Govt. Code § 3303(h)) and, assuming no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions (Govt. Code § 3303(e)). The officer shall be informed, however, that the interview will be for administrative purposes only and that the statement cannot be used criminally. (The Lybarger or Garrity admonishment).
7. The administrative interview shall be considered part of the officer's confidential personnel file.
8. The Professional Standards Unit shall compile all relevant information and reports necessary for the department to determine compliance with applicable policies.
9. The completed administrative investigation shall be submitted to the Deputy Chief.
10. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

# Firearms

## 312.1 PURPOSE AND SCOPE

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

## 312.2 AUTHORIZED WEAPONS

No firearms will be carried that do not meet factory specifications. No firearm shall be carried by a member who has not qualified with that weapon. All handguns will be carried in holsters in compliance with the department uniform policy.

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

### 312.2.1 DUTY WEAPONS

Only Department owned rifles or shotguns will be carried on-duty unless otherwise authorized by the Chief of Police. All on-duty handguns are to be semi-automatic pistols.

Department issued handguns are:

MAKE	MODEL	CALIBER
Beretta	92F	9mm
Smith & Wesson	5906, 6906, & 3913	9mm
Glock	22,23, & 27	40

In addition, officer-owned Glock, Para Ordnance, Sig Sauer, Heckler and Koch, Keltec, Beretta or Smith & Wesson in 9MM, 10MM, .40 cal., or .45 cal. are authorized for on-duty use.

Variants of model 1911 semi-automatic handguns in 9mm, 10mm, .40 caliber, and .45 caliber produced by Colt (Series 80 only), Kimber, Para-Ordnance, Sig Sauer, and Smith & Wesson are authorized for on-duty carry. Holsters for these weapons must be equipped with a safety strap which shall be placed between the cocked hammer and the firing pin. Every officer desiring to carry one of these weapons must have the weapon approved by the Firearms Team Manager and complete a training and qualification course prescribed by the Firearms Team Manager prior to carrying the weapon on-duty. All costs associated with the weapons are the responsibility of the individual officer.

### 312.2.2 AUTHORIZED SECONDARY WEAPONS

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

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- (a) The weapon shall be of the following make and caliber:

<b>MAKE</b>	<b>CALIBER</b>
Make: Smith & Wesson, Colt, Ruger, Dan Wesson, Taurus, Charter Arms, North American Arms, Beretta, Sig Sauer, Glock, Heckler & Koch, Browning, Para Ordnance, Walther, Kimber, Springfield, Kahr, or Keltec.	.22 short, .22 long, .22 magnum, .25, .32, .380, .38, .38 super, .357 sig., .357, .40, .44, .45, 9 mm, 10 mm.

- (b) Only one secondary weapon may be carried at a time
- (c) The purchase of the weapon and ammunition shall be the responsibility of the officer
- (d) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control
- (e) The weapon shall be subject to inspection whenever deemed necessary
- (f) Ammunition shall be the same as Department issue. If the caliber of the weapon is other than Department issue, the ammunition shall be factory manufactured
- (g) Personnel shall qualify with the secondary weapon under range supervision. Officers must demonstrate their proficiency, safe handling and serviceability of the weapon

#### 312.2.3 AUTHORIZED OFF-DUTY WEAPONS

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

- (a) The weapon shall be of the following makes and calibers:

<b>MAKE</b>	<b>CALIBER</b>
Make: Smith & Wesson, Colt, Ruger, Dan Wesson, Taurus, Charger Arms, North American Arms, Beretta, Sig Sauer, Glock, Heckler & Koch, Browning, Para Ordnance, Walther, Kimber, Springfield, Keltec, FN, or Kahr.	.22 short, .22 long, .22 magnum, .25, .32, .380, .38, .38 super, .357 sig., .357, .40, .44, .45, 9mm, or 10mm

- (b) The purchase of the weapon and ammunition shall be the responsibility of the officer.
- (c) The weapon shall be carried out of sight at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
- (d) It will be the responsibility of the officer to submit the weapon to the Rangemaster for inspection prior to being carried off-duty. The Rangemaster shall assure that the officer is proficient in handling and firing that weapon and it will be carried in a safe manner. The weapon shall be subject to inspection whenever deemed necessary. The officer will successfully qualify with the weapon prior to it being carried and thereafter on an annual basis. The range qualification dates will be specified by the Rangemaster.
- (e) A complete description of the weapon(s) shall be contained on the qualification record approved by the Rangemaster.
- (f) Ammunition shall be factory manufactured.
- (g) Officers must carry their badge, department identification card, and California driver's license, when carrying a firearm off-duty.

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- (h) No officer may carry a firearm while off-duty until successfully completing the Santa Cruz Police Department Training Program unless approved in writing by the Chief of Police. An officer in the Training program may carry their on-duty firearm while responding to and from work/court.

#### **312.2.4 AMMUNITION**

Officers shall carry only factory manufactured ammunition.

#### **312.2.5 ALCOHOL & DRUGS**

Weapons shall not be carried by any officer who has consumed alcoholic beverage or any officer who has taken any drugs that would tend to adversely affect the officer's senses or judgment.

#### **312.2.6 LASER SIGHTS**

Laser sights may only be installed on a weapon carried on or off-duty after they have been examined and approved by the Rangemaster.

- (a) Any approved laser sight shall only be installed in strict accordance with manufacturer specifications.
- (b) Once approved laser sights have been properly installed on any weapon, the officer shall qualify with the weapon to ensure proper functionality and sighting of the weapon prior to carrying it.

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

### **312.3 SAFE HANDLING OF FIREARMS**

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

#### **312.3.1 SAFETY CONSIDERATIONS**

- (a) Officers shall not unnecessarily display or handle any firearm.
- (b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.
- (c) Officers shall not load nor unload a firearm in the Department, except at the range or by using a clearing tube. The cleaning and/or repairs of firearms with the Department shall be done at the range unless approved by the Chief of Police.
- (d) If outside, the weapons will be pointed down in a safe direction, outside of a vehicle, with the safety on prior to unloading or loading.
- (e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the prisoner interview room or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. An officer may be armed when initially bringing a prisoner into the prisoner interview room, but shall secure all firearms as soon as practical.
- (f) Any weapon authorized by the department to be carried on or off duty that is found by the officer to be malfunctioning or needing service shall not be carried and shall be

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promptly presented to the Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is again rendered serviceable.

#### **312.3.2 STORAGE OF FIREARMS AT HOME**

Officers shall ensure that all firearms and ammunition are locked and secured while in their homes in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 12035.

#### **312.4 FIREARMS QUALIFICATIONS**

All sworn personnel are required to qualify semi-annually with their on-duty handgun, and annually with all other weapons carried either on or off duty. Deputy Chief's and the Chief of Police are exempt from qualifying on the department issued rifles, unless they opt to carry one. All qualifications shall be documented by the firearms instructor in a memo to the training manager. The training manager shall maintain all records for firearms training and qualifications for police officers and sergeants. Training records of management personnel will be maintained by the Administrative Assistant II.

##### **312.4.1 NON QUALIFICATION**

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officer shall complete a report to their immediate supervisor prior to the end of the required shooting period. It will be the responsibility of the officer to coordinate a make up qualification with a firearms instructor before returning to full duty.

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow. Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training.

#### **312.5 FIREARMS TEAM DUTIES**

- (a) **Firearms Team Manager:** The range will be under the exclusive control of the firearms team manager. The firearms team manager will be responsible for advising the Chief of Police of recommendations or concerns of the firearms team. Any member of the firearms team may be removed at any time from the firearms team at the discretion of the firearms team manager.
- (b) **Firearms Team OIC (Officer in Charge):** The OIC shall be appointed by the firearms team manager. The OIC shall schedule firearms team meetings, department firearms training, department qualifications, and annual weapon inspections. The OIC shall document all department firearms training and qualifications within 28 days of the completion of the training or qualification. This documentation shall be routed to the training manager. The training manager will be responsible for maintaining accurate records on all department firearms training and qualifications. The OIC shall be responsible for maintaining accurate inspection and repair records on all department firearms.
- (c) **Firearms Team Member:** Firearms team members will design and assist in department trainings as needed. Firearms team members shall document all firearms training of members of this department in a memo to the OIC, within 14 days of the completion of the training.

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#### **312.6 MAINTENANCE AND REPAIR**

Firearms carried on duty shall be maintained in a clean, serviceable condition. All on-duty weapons shall be inspected annually by an armorer to verify the serviceability of the weapons. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

##### **312.6.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS**

The Firearms Team Manager shall be the only person to authorize any modifications to any department owned or any personally owned weapon carried by a member of this department either on or off duty. All repairs and/or modifications of weapons carried on or off duty shall be done by an authorized Department armorer or a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his/her expense.

#### **312.7 FLYING WHILE ARMED**

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.217):

- (a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.
- (b) Officers must carry their Department identification card and California driver's license. Additionally, officer(s) when requested, must present their Identification to airline officials when requested.
- (c) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer(s). The letter must outline the officer's necessity to fly armed, must detail his/her itinerary, and shall include that the officer(s) has completed the mandatory TSA training for law enforcement officer(s) flying while armed.
- (d) Officers must have completed the mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor.
- (e) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
- (f) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. Officers must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (g) Officers should not surrender their firearm to but try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier
- (h) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.8 CARRYING FIREARMS OUT OF STATE**

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

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- (a) The officer shall carry his/her Department identification card whenever carrying such weapon.
- (b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
- (c) The officer is not the subject of any current disciplinary action.
- (d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.
- (e) The officer will remain subject to this and all other Department policies (including qualifying and training).

Officers are cautioned that individual states may still restrict or prohibit carrying firearms in certain areas such as government buildings, property and parks.

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



## Vehicle Pursuit Policy

### 314.1 PURPOSE AND SCOPE

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

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

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

#### 314.1.1 VEHICLE PURSUIT DEFINED

A vehicle pursuit is an event involving one or more law enforcement officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed driving or other evasive tactics such as driving off a highway, turning suddenly, or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

### 314.2 OFFICER RESPONSIBILITIES

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

#### 314.2.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

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- (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) Apparent nature of the fleeing suspect(s) (e.g., whether the suspect(s) represent a serious threat to public safety).
- (d) The identity of the suspect(s) has been verified and there is comparatively minimal risk in allowing the suspect(s) to be apprehended at a later time.
- (e) 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 and the speed of the pursuit relative to these factors.
- (f) Pursuing officer(s) 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.
- (g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.
- (h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
- (i) Vehicle speeds.
- (j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).
- (k) Availability of other resources such as air unit assistance.
- (l) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle.

#### **314.2.2 WHEN TO TERMINATE A PURSUIT**

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

The factors listed in Policy Manual § 314.21 are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle(s).

In addition to the factors listed in Policy Manual § 314.21 the following factors should also be considered in deciding whether to terminate a pursuit:

- (a) Distance between the pursuing officers and the fleeing vehicle(s) is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance
- (b) Pursued vehicle's location is no longer definitely known
- (c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive
- (d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged
- (e) Hazards to uninvolved bystanders or motorists

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- (f) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.
- (g) Directed by a supervisor

#### **314.2.3 SPEED LIMITS**

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

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

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

#### **314.3 PURSUIT UNITS**

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

##### **314.3.1 MOTORCYCLE OFFICERS**

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

##### **314.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT**

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

##### **314.3.3 PRIMARY UNIT RESPONSIBILITIES**

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

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

- (a) Reason for the pursuit.
- (b) Location and direction of travel.
- (c) Speed of the fleeing vehicle.
- (d) Description of the fleeing vehicle and license number, if known.

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- (e) Number of known occupants.
- (f) The identity or description of the known occupants.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

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

#### **314.3.4 SECONDARY UNIT(S) RESPONSIBILITIES**

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

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

#### **314.3.5 PURSUIT DRIVING TACTICS**

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

- (a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle;
- (b) Officers shall not pursue a vehicle driving left of center (wrong way) on a freeway. In the event the pursued vehicle does so, the following tactics should be considered:
  1. Maintaining visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
  2. Requesting other units to observe exits available to the suspect(s).
  3. Notifying the California Highway Patrol and/or other jurisdictional agency.
  4. Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or requested to do so by the primary unit.

#### **314.3.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT**

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

Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

The primary and secondary units should be the only units operating under emergency conditions (red light and siren) unless other units are assigned to the pursuit by the duty supervisor.

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#### **314.3.7 PURSUIT TRAILING**

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

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

#### **314.3.8 AIRCRAFT ASSISTANCE**

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider the participation of aircraft assistance when determining whether to continue 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 or not to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit has the authority to terminate the pursuit.

#### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

It is the policy of this department that available supervisory and management control will be exercised over all motor vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

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

#### **314.4.1 WATCH COMMANDER RESPONSIBILITY**

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

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the guidelines and requirements of this policy. The Watch Commander has the final responsibility for the coordination, control and termination of a motor vehicle pursuit and shall be in overall command.

The Watch Commander shall review all pertinent reports for content and forward to the Division Manager.

#### **314.5 LOSS OF A 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 will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

#### **314.6 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 or not to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether or not such jurisdiction is expected to assist.

##### **314.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**

Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Santa Cruz Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

##### **314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this department shall not join a pursuit unless specifically requested to do so by the agency whose officers are in pursuit and upon Santa Cruz Police Department supervisory approval.

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

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

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As soon as practical, a supervisor or the Watch Commander should review a request for assistance from another agency. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in, or assume the other agency's pursuit.

Assistance to a pursuing allied agency by officers of this department will terminate 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 and with supervisory approval.

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

### **314.7 PURSUIT INTERVENTION**

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of road spikes.

#### **314.7.1 WHEN USE AUTHORIZED**

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances confronting the officer at the time of the decision.

Road spikes are the only Pursuit Intervention Technique authorized by the Santa Cruz Police Department.

It is imperative that officers act within the bounds of legality, good judgment and accepted practices.

#### **314.7.2 DEFINITIONS**

**Road Spikes** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle.

#### **314.7.3 USE OF FIREARMS**

Firearms shall not be used to disable a pursued vehicle. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

#### **314.7.4 INTERVENTION STANDARDS**

Any pursuit 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 deadly force and subject to the requirements for such use. Officers who have not received certified departmental training in the application and use of any intervention tactic or equipment shall consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed. For these reasons, road spikes are the only intervention tactic authorized by the Santa Cruz Police Department.

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The use of road spikes should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. Spike strips shall not be used on a motorcycle.

#### **314.7.5 CAPTURE OF SUSPECTS**

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

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

#### **314.8 REPORTING REQUIREMENTS**

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

- (a) The primary officer shall complete appropriate crime/arrest reports.
- (b) Pursuant to Vehicle Code § 14602.1(b), the primary officer shall complete form CHP 187A, Allied Agency Vehicle Pursuit Report, to be reviewed by the Watch Commander and filed with the CHP either electronically or on paper not later than 30 days after the pursuit. This pursuit report shall minimally contain the following information:
  1. Whether any person involved in the pursuit or subsequent arrest was injured, specifying the nature of that injury and differentiating between the suspect driver, a suspect passenger and the officers involved.
  2. The violation(s) that caused the pursuit to be initiated.
  3. The identity of the officers involved in the pursuit.
  4. The means or methods used to stop the suspect being pursued.
  5. The charges filed with the court by the district attorney.
  6. The conditions of the pursuit, including, but not limited to, all of the following:
    - (a) Duration
    - (b) Mileage
    - (c) Number of officers involved
    - (d) Maximum number of units involved
    - (e) Time of day
    - (f) Weather conditions
    - (g) Maximum speeds
  7. Whether the pursuit resulted in a collision and a resulting injury or fatality to an uninvolved third party, and the corresponding number of persons involved.
  8. Whether the pursuit involved multiple agencies.
  9. How the pursuit was terminated.
- (c) After first obtaining available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit. The supervisor shall complete a



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### *Vehicle Pursuit Policy*

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memo directed to the Watch Commander. This memo should minimally contain the following information:

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

#### **314.8.1 REGULAR AND PERIODIC PURSUIT TRAINING**

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

#### **314.8.2 POLICY REVIEW**

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

#### **314.9 APPLICATION OF MOTOR 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.

## **Officer Response to Calls**

### **316.1 PURPOSE AND SCOPE**

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

### **316.2 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 and siren.

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

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

### **316.3 REQUESTING EMERGENCY ASSISTANCE**

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

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

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

#### **316.3.1 NUMBER OF UNITS ASSIGNED**

Normally, only one unit should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

### **316.4 INITIATING CODE 3 RESPONSE**

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. An exception to the notification requirement shall occur when Code-3 equipment is operated for the sole purpose of clearing an intersection. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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### *Officer Response to Calls*

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#### **316.5 RESPONSIBILITIES OF RESPONDING OFFICER(S)**

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

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding.

#### **316.6 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

#### **316.7 FAILURE OF EMERGENCY EQUIPMENT**

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

## Canine Program

### **318.1 PURPOSE AND SCOPE**

The Canine Program was established to augment police services to the community. Highly skilled and trained teams of handlers and canines have evolved from the program and are used to supplement police operations to locate individuals, contraband and to apprehend criminal offenders.

### **318.2 GUIDELINES FOR THE USE OF CANINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

- (a) There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer, or the handler
- (b) The individual 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 individual(s) is/are 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
- (d) It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances

Absent reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from pursuing officer(s) shall not serve as good cause for the use of a canine to apprehend an individual.

#### **318.2.1 PREPARATIONS FOR UTILIZING A CANINE**

Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to the following:

- (a) The individual's age or estimate thereof
- (b) The nature of the suspected offense
- (c) Any potential danger to the public and/or other officers at the scene if the canine is released
- (d) The degree of resistance or threatened resistance, if any, the subject has shown;
- (e) The potential for escape or flight if the police dog is not utilized
- (f) The potential for injury to officers or the public caused by the suspect if the police dog is not utilized

A canine handler shall have the ultimate authority not to deploy the dog. The handler will evaluate each situation and determine if the use of a canine is technically feasible. Generally, the decision to deploy the dog shall remain with the handler; however, a supervisor sufficiently apprised of the situation may decide not to deploy the dog.

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#### **318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE**

Unless it would otherwise increase the risk of injury or escape, a clearly audible warning to announce that a canine will be released if the person does not come forth, shall be made prior to releasing a canine. The canine handler, when practical, shall first advise the supervisor of his/her decision if a verbal warning is not given prior to releasing the canine. In the event of an apprehension, the handler shall document in any related report whether or not a verbal warning was given and, if none was given, the reasons why.

#### **318.2.3 USE OF NARCOTIC-DETECTION CANINES**

A narcotic-detection-trained canine may be used in accordance with current law under the following circumstances:

- (a) To assist in the search for narcotics during a search warrant service
- (b) To obtain a search warrant by using the detection canine in support of probable cause
- (c) To search vehicles, buildings, bags, and any other articles deemed necessary
- (d) A narcotic-detection canine will not be used to search a person for narcotics

#### **318.2.4 REPORTING CANINE USE, BITES AND INJURIES**

Whenever the police service dog is deployed, a Canine Use Report shall be completed by the handler and turned in to the Unit Coordinator before going off duty.

If a bite or injury results from the use of the canine, that information shall be documented on a Canine Use Report form and included in the police narrative/supplemental report. The report should include, at a minimum, the following:

- (a) In all cases of bites or injury resulting from the use of a canine, photographs shall be taken of the bite or injury after first tending to the immediate needs of the injured party. The photographs will be booked into evidence. If the injury requires medical attention, the subject should be transported to an appropriate medical facility. In the event an in-custody suspect requires medical attention, an officer shall standby with the suspect until treatment has been rendered.
- (b) Whenever a bite results, the handler shall notify the Animal Services Authority immediately by telephone. The name of the ASA employee and time of notification shall be included in the use report.
- (c) If a subject alleges an injury that is not visible, notification shall be made to a supervisor and the location of the alleged injury should be photographed.

#### **318.2.5 REPORTING CANINE INJURIES**

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Depending on the severity of the injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and dog are out of the area, the handler may use the nearest available veterinarian.

The injury will be documented on a Canine Use Report Form.

#### **318.2.6 ASSIGNMENT OF CANINES**

The canine teams shall be assigned to the Operations Division.

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#### **318.3 REQUEST FOR USE OF CANINE TEAMS**

##### **318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES**

The Watch Commander must approve all requests for canine assistance from outside agencies subject to the following provisions:

- (a) Canine teams shall not be used beyond the boundaries of the City of Santa Cruz to perform any assignment which is not consistent with this policy
- (b) Upon arrival at the scene, the handler has the ultimate decision as to whether or not the canine is to be used for a specific assignment
- (c) Canine teams shall not be called out while off duty or used outside the boundaries of the City of Santa Cruz unless authorized by the Watch Commander

##### **318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS**

All public requests for a canine team shall be approved by the Operations Deputy Chief prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Deputy Chief.

#### **318.4 SELECTION OF CANINE HANDLERS**

The following are the minimum qualifications for the assignment of canine handler:

- (a) Santa Cruz Police Department officer (currently off probation)
- (b) Reside in an adequately fenced residence (minimum five-foot high fence with locking gates)

#### **318.5 CANINE HANDLER RESPONSIBILITIES**

##### **318.5.1 AVAILABILITY**

The handler shall be available for call-out under conditions specified by the Unit Commander.

##### **318.5.2 CARE FOR THE CANINE AND EQUIPMENT**

The 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 handler will be responsible for the following:

- (a) Unless required by a particular application, 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 and when not on duty shall maintain the canine unit in a garage, secured from public view.
- (c) When a handler takes a vacation or extended number of days off, the assigned canine vehicle shall be maintained at the Police Department facility.
- (d) Handlers shall permit the Unit Coordinator to conduct spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

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- (e) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.
- (f) When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, canines may be let out of their kennels while under the direct control of their handlers.
- (g) 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.
- (h) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Watch Commander.
- (i) When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Commander.
- (j) Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

#### **318.5.3 CANINE IN PUBLIC AREAS**

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police operations for which the canines are trained.

- (a) Canines shall not be left unattended in any area to which the public may have access.
- (b) When the canine unit is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the dog. The handler shall also insure that the unattended unit remains inhabitable for the canine.

#### **318.5.4 HANDLER COMPENSATION**

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the dog as provided in the Fair Labor Standards Act. The compensation shall be prescribed in the employee's Memorandum of Understanding.

#### **318.6 MEDICAL CARE OF THE CANINE**

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency as provided in Policy Manual § 318.62.

##### **318.6.1 NON-EMERGENCY MEDICAL CARE**

Non-emergency medical care will be coordinated through the Unit Commander.

Any indication that a canine is not in good physical condition shall be reported to the Unit Commander or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained by the Unit Commander.

##### **318.6.2 EMERGENCY MEDICAL CARE**

The designated emergency medical treatment center or canine veterinarian shall render emergency medical treatment. The handler shall notify the Unit Commander as soon as practicable when emergency medical care is required.

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#### **318.7 TRAINING**

Before assignment in the field, each canine team shall be trained and certified to meet current POST standards. Cross trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by the California Narcotic Canine Association.

##### **318.7.1 CONTINUED TRAINING**

Each canine team shall thereafter be recertified to current POST standards and the California Narcotic Canine Association on an annual basis. Additional training considerations are as follows:

- (a) Canine teams shall receive training as defined in current contract with the Department's canine training provider.
- (b) Canine handlers are encouraged to engage in additional training with approval of the Unit Commander.
- (c) In order to ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is contrary to the policies of the Santa Cruz Police Department.
- (d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Commander or Watch Commander.

##### **318.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING**

Any dog team failing POST canine certification and the California Narcotic Canine Association shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

##### **318.7.3 TRAINING RECORDS**

All canine training records shall be maintained in the canine handler's training file.

#### **318.8 CANINE UNIT COMMANDER RESPONSIBILITIES**

The Unit Commander shall be appointed by staff and shall supervise the Canine Program. The Unit Commander is directly responsible to the Operations Division Commander. The Unit Commander shall be responsible for, but not limited to, the following:

- (a) Review all Canine Use Reports to insure compliance with policy and to identify training issues and other needs of the program.
- (b) Maintain liaison with the vendor kennel.
- (c) Maintain liaison with administrative staff and functional supervisors.
- (d) Maintain liaison with other agency canine coordinators.
- (e) Maintain accurate records to document canine activities.
- (f) Recommend and oversee the procurement of needed equipment and services for the unit.
- (g) Be responsible for scheduling all canine related activities.
- (h) Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.



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#### **318.9 CONTROLLED SUBSTANCE TRAINING AIDS**

Controlled substance training aids are required to effectively train and maintain drug detecting dogs. Further, controlled substances can also be an effective training aid during training sessions for law enforcement personnel and the public.

Health & Safety Code § 11367.5 provides that any Sheriff, Chief Of Police, the Chief of the Bureau of Controlled Substance Enforcement, or the Commissioner of the California Highway Patrol, or a designee thereof may, in his or her discretion, provide controlled substances in his or her possession for training purposes:

- (a) To any duly authorized peace officer or civilian drug detection canine trainer working under the direction of a law enforcement agency
- (b) Provided the controlled substances are no longer needed as criminal evidence
- (c) Provided the person receiving the controlled substances, if required by the Drug Enforcement Administration, possesses a current and valid Drug Enforcement Administration registration that specifically authorizes the recipient to possess controlled substances while providing substance abuse training to law enforcement or the community or while providing canine drug detection training

#### **318.9.1 PROCEDURES**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of accidental ingestion of these controlled substances by the canine, the following procedure shall be strictly followed:

- (a) All necessary controlled substance training samples shall be acquired from the Santa Cruz Police Department's evidence personnel or from allied agencies authorized by Health & Safety Code § 11367.5 to provide controlled substance training samples. All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler
- (b) The weight and test results shall be recorded and maintained by this department;
- (c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 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 metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure
- (f) The Canine Unit Commander 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 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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#### **318.9.2 IMMUNITY**

Under Health & Safety Code § 11367.5(b), all duly authorized peace officers, while providing substance abuse training to law enforcement or the community or while providing canine drug detection training, in performance of their official duties, and any person working under their immediate direction, supervision, or instruction, are immune from prosecution.

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## Domestic Violence

### 320.1 PURPOSE AND SCOPE

Domestic violence is alleged criminal conduct and it is the policy of the Santa Cruz Police Department to stress enforcement of criminal laws related to domestic violence, the protection of the victim, and the availability of civil remedies and community resources. This includes the arrest of domestic violence offenders if there is probable cause to believe an offense has occurred.

In responding to domestic violence incidents, 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 determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

- (a) The intent of the law to protect victims of domestic violence from continuing abuse
- (b) The threats creating fear of physical injury
- (c) The history of domestic violence between the persons involved
- (d) Whether either person acted in self-defense

#### 320.1.1 DEFINITIONS

The Santa Cruz Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the Commission on Peace Officer Standards and Training. The following definitions are provided by Penal Code § 13700:

**Abuse** - means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

**Domestic Violence** - is abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

**Cohabitant** - means two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters
- Sharing of income or expenses
- Joint use or ownership of property
- Whether the parties hold themselves out as husband and wife
- The continuity of the relationship
- The length of the relationship

The above definition of cohabitant is used for the application of enforcing Penal Code § 273.5. Family Code § 6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing Penal Code § 836(d).

**Officer/Deputy** - means any law enforcement officer employed by a local police department or sheriff's department, consistent with Penal Code § 830.1.

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### *Domestic Violence*

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**Victim** - means a person who is a victim of domestic violence.

#### **320.2 OFFICER SAFETY**

The investigation of domestic violence cases places officers in emotionally charged and sometimes highly dangerous environments. No provisions of this guideline are intended to supersede the responsibility of all officers to exercise reasonable care for the safety of any officers and parties involved.

#### **320.3 ENFORCEMENT OF DOMESTIC VIOLENCE**

It is the intent of the Legislature that the official response to domestic violence stresses the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is criminal behavior and will not be tolerated. The following factors should not be used to avoid making an arrest:

- (a) Marital status of suspect and victim
- (b) Whether or not the suspect lives on the premises with the victim
- (c) Existence or lack of temporary restraining order
- (d) Potential financial consequences of arrest
- (e) Complainant's history or prior complaints
- (f) Verbal assurances that violence will cease
- (g) Complainant's emotional state
- (h) Non-visible injuries
- (i) Location of the incident (public/private)
- (j) Victim does not want to prosecute or make private person's arrest
- (k) Speculation that complainant may not follow through with the prosecution
- (l) The case may not result in a conviction

##### **320.3.1 FELONY ARRESTS**

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

##### **320.3.2 MISDEMEANOR ARRESTS**

In accordance with state law, an arrest should generally be made when there is probable cause to believe a misdemeanor has occurred.

- (a) Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:
  - 1. A current or former spouse.
  - 2. A current or former cohabitant (Family Code § 6209 definition).
  - 3. A fiancé or fiancée.
  - 4. A person with whom the suspect currently is having or has previously had an engagement or dating relationship.
  - 5. A person with whom the suspect has parented a child.
  - 6. A child of the suspect or a child of one of the above listed categories.
  - 7. Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship.

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- (b) Both of the following conditions must be present in order to make an arrest in this situation pursuant to Penal Code § 836(d):
  - 1. The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.
  - 2. The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed.

#### **320.3.3 FIELD RELEASE**

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (Penal Code § 853.6).

Any of the following may support the likelihood of a continuing offense:

- (a) Whether the suspect has a prior history of arrests or citations involving domestic violence.
- (b) Whether the suspect is violating a criminal court issued Stay Away Order.
- (c) Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.
- (d) Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
- (e) Statements taken from the victim that the suspect has a history of physical abuse towards the victim.
- (f) Statements taken from the victim expressing fear of retaliation or further violence should the suspect be released.

#### **320.3.4 PRIVATE PERSON'S ARREST**

Officers will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside the officer's presence which does not meet the requirements for an officer initiated arrest either because it is not a felony or a qualifying misdemeanor offense under Penal Code § 836(d). Advisements regarding private person's arrests should be held out of the presence of the suspect. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions of Policy Manual § 364 for further options regarding the disposition of private person's arrests.

#### **320.3.5 PROTECTIVE ORDER VIOLATIONS**

Absent exigent circumstances, if probable cause exists to believe an offender has violated a protective order as defined in Penal Code § 13701(b), an arrest shall be made. These court orders involve the following:

- (a) Prohibit threats, harassment or violence
- (b) Excludes a party from a dwelling
- (c) Prohibit other behaviors specified by the court

These protective orders pertain to parties labeled as petitioner and respondent who are married, formerly married, dating, formerly dated, engaged, formerly engaged, cohabiting, formerly cohabited or have had a child together.

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The court orders under Penal Code § 13701(b) may be captioned as follows:

- Domestic Violence Protective Order
- Criminal Court Protective Order
- Emergency Protective Order (EPO)
- Order to Show Cause and Temporary Restraining Order (TRO)
- Order After Hearing
- Restraining Order - Juvenile
- Judgment of Dissolution and Order

Any officer determining that there is probable cause to believe that a protective order issued by a tribunal of another state is valid shall enforce such order as if issued in this state.

#### **320.3.6 TENANCY ISSUES**

- (a) Officers may request a person who is not in lawful possession of the premises to leave when:
  1. The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
  2. The complainant has requested that the person leave the premises
- (b) The officer will stand by until the suspect removes essential belongings
- (c) If the suspect does not leave upon request, an arrest should be made under Penal Code § 602.5
- (d) If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy
- (e) If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order

#### **320.4 COURT PROTECTIVE ORDERS**

Various types of restraining orders may be issued by various courts in domestic violence cases. All valid out-of-state and tribal court restraining and protective orders should be enforced. Penal Code § 13710 requires all law enforcement agencies to maintain complete and systematic records of all protection orders relating to domestic violence incidents, restraining orders, and proofs of service which are in effect. This section also requires that these records be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders on file. It shall be the responsibility of the Records Section to maintain these records.

##### **320.4.1 VERIFICATION OF RESTRAINING ORDERS**

Whenever a complainant advises of the existence of a restraining order, the officer shall immediately attempt to determine the following (Code of Civil Procedure § 527.8(i)(3)).

- (a) Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession.
- (b) Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System (Family Code § 6383(d)).

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- (c) Whether the proof of service or prior notice exists or that the suspect was in court when the order was made
- (d) The terms of the restraining order.

In the event the suspect is no longer at the scene, officers shall document the incident for follow up investigation.

#### **320.4.2 ENFORCEMENT PROCEDURES**

Violation of a restraining order is a misdemeanor under Penal Code §§ 273.6 or 166(4). An arrest should be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists. Proof of service may be established by any one of the following:

- (a) The existence of the order and proof of service to the suspect has been verified by the officer
- (b) The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect
- (c) The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements
- (d) The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms

#### **320.4.3 PROOF OF SERVICE NOT VERIFIED**

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

- (a) At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody (Code of Civil Procedure § 527.8(i)(2)).
- (b) Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest.
- (c) Obtain the suspect's address.
- (d) Enforce the order but do not make an arrest for any violation of the order occurring prior to verified proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made (Code of Civil Procedure § 527.8(i)(4)).

If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement (Penal Code § 13730(c)). The Department copy of the restraining order shall be updated to reflect the information listed above.

#### **320.4.4 WHEN ORDERS ARE NOT VERIFIABLE**

If the victim is not in possession of the restraining order and/or for any reason the officer can not verify the validity of the order the following action shall be taken:

- (a) Write a report, give the police report number to the victim.

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- (b) Inform the victim of how to can contact the appropriate detective or investigation unit for further action (Penal Code § 13730(c)).
- (c) Inform the victim of the right to make a private person's arrest for the appropriate violation.

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a written report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure (Penal Code §§ 13730(c) and 13701(c)).

#### **320.4.5 EMERGENCY PROTECTIVE ORDERS**

- (a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:
  - 1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.
  - 2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.
  - 3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.
  - 4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.7 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.
- (b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.
  - 1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).
  - 2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.
  - 3. Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.
- (c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:
  - 1. Physically or verbally contacting the victim or disturbing his/her peace
  - 2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence
  - 3. Continuing a specified behavior as described in the order



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- (d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.
- (e) It is the policy of the Santa Cruz Police Department to request an EPO if any of the following conditions exist:
  - 1. The victim requests an EPO
  - 2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim
  - 3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists

#### **320.4.6 COURT ORDERS**

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under Penal Code § 166(c)(1). Witness intimidation is also a violation of Penal Code § 136.1 and potentially a violation of Penal Code § 422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

#### **320.5 EVIDENCE**

The following guidelines should be considered by officers investigating domestic violence cases:

##### **320.5.1 PHOTOGRAPHS OF INJURIES**

All visible injuries should be photographed regardless of severity and all victims shall receive proper medical care prior to being photographed, if needed or desired.

Victims whose injuries are not visible at the time of the incident shall be advised to contact the Investigation Section, in the event they become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

##### **320.6 VICTIM ASSISTANCE**

During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some suggested methods of assistance are:

- (a) Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not
- (b) Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists
- (c) Stand by for a reasonable amount of time when a complainant requests police assistance while removing essential items of personal property
- (d) Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings
- (e) Advise the victim of available community resources and the State Victim Assistance Program. See § 320.61 of the Policy Manual;

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#### **320.6.1 VICTIM INFORMATION AND NOTIFICATION EVERYDAY PROGRAM**

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) Program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from County Jail. The contact phone number for VINE is printed on the Santa Cruz Police Department Santa Cruz County Community Resource Card.

#### **320.6.2 WRITTEN NOTICE TO VICTIMS**

Penal Code § 13701 requires that victims of domestic violence be furnished written notice including the following information:

- (a) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time
- (b) A statement that provides information about a shelter they may contact in the area
- (c) A statement that provides information about other community services they may contact in the area
- (d) A statement informing the victim of domestic violence that he or she can ask the District Attorney to file a criminal complaint
- (e) A statement that "For further information about the California Victim's Compensation Program, you may contact 1-800-777-9229."
- (f) A statement informing the victim of the right to go to the Superior Court and file a petition requesting any of the following orders for relief:
  1. An order restraining the attacker from abusing the victim and other family members
  2. An order directing the attacker to leave the household
  3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim
  4. An order awarding the victim or the other parent custody of or visitation with a minor child or children
  5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim
  6. An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so
  7. An order directing the defendant to make specified debt payments coming due while the order is in effect
  8. An order directing that either or both parties participate in counseling
- (g) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse. This includes medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim
- (h) In the case of an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, a Santa Cruz County Community Resource Card which shall include, but is not limited to, the following information:

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1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.
2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
3. A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
4. A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

#### **320.6.3 DOMESTIC VIOLENCE SUPPORT**

Victims of domestic violence or abuse have the right to have a domestic violence counselor (as defined in Evidence Code § 1037.1) and a support person of the victim's choosing present at any interview by law enforcement authorities (Penal Code § 679.05)

The investigating officer must advise the victim of his/her right to have an advocate and support person present at any subsequent interview(s), including additional interviews by the reporting and/or detectives handling the case. The victim should be advised that any advocate working for the agencies listed on the Domestic Violence resource card would qualify.

- (a) For the purposes of this section, an initial investigation by law enforcement to determine whether a crime has been committed and to determine the identity of the suspect(s) shall not constitute a law enforcement interview.
- (b) The support person may be excluded from an interview if the law enforcement authority or the District Attorney determines the presence of that person would be detrimental to the purpose of the interview.
- (c) The investigating officer should articulate in the report that the victim was advised of their right to a counselor and/or support person.

#### **320.7 REPORTING OF DOMESTIC VIOLENCE**

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 required by Penal Code § 13730(s).

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 pamphlet provided to the victim. If the case number is not immediately available, an explanation should be given about how the victim can obtain the information at a later time.

##### **320.7.1 RECORD-KEEPING RESPONSIBILITIES**

Penal Code § 13730 also requires that all law enforcement agencies maintain records on the number of domestic violence related calls reported to their agency and to include whether or not weapons were used in the incident. This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Supervisor to maintain and report this information as required.

#### **320.8 FIREARMS**

Officers shall take into temporary custody firearms or other deadly weapons in plain sight or discovered pursuant to a consensual search or other lawful search in domestic violence

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incidents and process them for safekeeping as authorized in Penal Code § 12028.5. In no event shall such a firearm or weapon be returned within less than 48 hours.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered along with any applicable time limit for recovery. (Penal Code § 12028.7)

No person who is the subject of an Emergency Protective Order issued pursuant to Penal Code § 646.91 may own, possess, receive, purchase or attempt to purchase a firearm while such order is in effect.

#### **320.8.1 RETURN OF FIREARMS**

- (a) If, within five days after the seizure, a firearm or other deadly weapon is not retained for use as evidence related to criminal charges brought as a result of the domestic violence incident and the officer has no reason to believe that such firearm or weapon would further endanger the victim or person reporting the domestic violence, the Department shall notify the lawful owner or other person who was in lawful possession of the firearm or weapon of its availability (Penal Code § 12028.5(b)).
- (b) If, however, any officer has reasonable cause to believe that a firearm or other deadly weapon seized in a domestic violence incident would likely result in further danger to the victim or person reporting such incident or that further investigation of such firearm or weapon is required through the Department of Justice or other sources, the Department shall within five days of the seizure, notify the owner or other person who was in lawful possession of the firearm or weapon that such firearm or weapon will be retained for up to 60 days of the seizure.
- (c) If, after 45 days, the Department has been unable to clear the firearm or other deadly weapon for release, the Department shall commence the process of preparing a petition to the Superior Court to determine if the firearm or other weapon should be returned. Such petition shall be filed within 60 days of the initial seizure or upon timely application to the court for an extension within no more than 90 days (Penal Code § 12028.5(f)).
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).
- (e) The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

#### **320.9 DISPATCHER'S RESPONSIBILITIES**

This department considers calls of reported, threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Penal Code § 136.2, and restraining orders of extreme importance and shall be ranked among the highest priorities. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance. All calls of domestic violence should be dispatched as soon as practical.

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#### **320.9.1 PUBLIC ACCESS TO POLICY**

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

## Pawnbrokers/Secondhand Dealers

### 321.1 PURPOSE AND SCOPE

It is the policy of this Department to follow procedural guidelines for placing a hold upon, seizing, and disposing of stolen property in the possession of pawnbrokers/secondhand dealers. These guidelines shall be followed to reduce the risk of liability and to ensure maximum compliance with State and Federal law.

Forms referenced in this policy are available on the network drive.

### 321.2 AUTHORITY TO SEIZE

Whenever property that is in the possession of a pawnbroker, secondhand dealer, or coin dealer is required by a peace officer in a criminal investigation, the pawnbroker, secondhand dealer, or coin dealer, upon reasonable notice, shall produce the property at reasonable times and places or may deliver the property to the peace officer upon the request of any peace officer. (Business and Professions Code § 21647(b))

A peace officer may not seize property from a pawnbroker for the purpose of returning it to the alleged original owner. *G & G Jewelry, Inc. v. City of Oakland*, 989 F.2d 1093, 1098 (9th Cir. 1993).

### 321.3 SEIZURE

If the peace officer has a search warrant, the officer may seize property or place it on a 90-day hold. (Business and Professions Code § 21647)

#### 321.3.1 WARRANTLESS SEIZURE

If there is not a search warrant, a peace officer may still seize property from a pawnbroker for investigatory purposes in compliance with the Fourth Amendment if:

- (a) The peace officer is lawfully on premise;
- (b) Statute requires pawnbroker to produce pawned property for inspection (Business and Professions Code § 21647(b); Financial Code § 21206(b)); and
- (c) Examination of the property reveals probable cause to believe it was stolen, as the incriminating character of the evidence is immediately apparent. *Sanders v. City of San Diego*, 93 F.3d 1423, 1427 (9th Cir. 1996) (the "plain view" exception.)

#### 321.3.2 RECEIPT

The peace officer must give the pawnbroker a receipt for any allegedly stolen property taken by the peace officer. Pursuant to Financial Code § 21206.7, the receipt must include a description of the property, the reason for seizure, and the names of the pawnbroker and the peace officer.

#### 321.3.3 CRIMINAL INVESTIGATION

When seizing property for criminal investigatory purposes, compliance with the Fourth Amendment as set forth above satisfies pre-deprivation procedural due process. Thus, no pre-deprivation hearing is required.

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#### **321.3.4 OWNER NOTIFICATION**

If the ownership of the property and the address of the owner, and the address of the owner of a security interest in the property, can be reasonably ascertained, the officer shall notify the owner and anyone with a security interest in the property by using the attached *Notification Regarding Property In Police Custody* form letter. (Penal Code § 1411) The law enforcement agency shall also mail a copy of this notification letter, with the address of the person(s) with an ownership or security interest deleted, to the pawnbroker. (Financial Code § 21206.8)

#### **321.4 PROPERTY PLACED ON HOLD**

Property placed on hold is generally governed by Business & Professions Code § 21647. See *Sanders* at 1430.

Whenever a peace officer has probable cause to believe that property (except for coins, monetized bullion, or commercial grade ingots) in possession of a pawnbroker is stolen, the peace officer may place a 90-day hold on the property. (Business and Professions § 21647(a)).

#### **321.4.1 PROPERTY REPORTED LOST OR STOLEN**

Whenever the law enforcement agency has knowledge that property in possession of a pawnbroker has been reported lost or stolen, the law enforcement agency shall notify the person who reported the property lost or stolen of the following, by using the attached *Notification Regarding Property Reported Stolen* form letter (Business and Professions Code § 21647(c)):

- (a) The name, address, and telephone number of the pawnbroker, secondhand dealer, or coin dealer who reported the acquisition of the property.
- (b) That the law neither requires nor prohibits payment of a fee or any other condition in return for the surrender of the property, except that when the person who reported the property lost or stolen does not choose to participate in the prosecution of an identified alleged thief, the person shall pay the pawnbroker, secondhand dealer, or coin dealer the "out-of-pocket" expenses paid in the acquisition of the property in return for the surrender of the property.
- (c) That if the person who reported the property as lost or stolen takes no action to recover the property from the pawnbroker, secondhand dealer, or coin dealer within 60 days of the mailing of the notice, the pawnbroker, secondhand dealer, or coin dealer may treat the property as other property received in the ordinary course of business. During the 60-day notice period, the pawnbroker, secondhand dealer, or coin dealer may not release the property to any other person.
- (d) That a copy of the notice, with the address of the person who reported the property as lost or stolen deleted, will be mailed to the pawnbroker, secondhand dealer, or coin dealer who is in possession of the property.

#### **321.4.2 REQUIRED NOTIFICATIONS**

- (a) The law enforcement agency shall also mail a copy of the *Notification Regarding Property Reported Stolen*, with the address of the person who reported the property as lost or stolen deleted, to the pawnbroker. In this manner, the pawnbroker will be put on notice that the property may not be released to any other person within 60 days of the mailing of the notice pursuant to Business and Professions Code § 21647(c)(3).
- (b) If a peace officer places a hold on property believed to be stolen, the peace officer must give the pawnbroker a written notice at that time that describes the item(s) to be

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held. (Business and Professions Code § 21647(a)) The attached *Notice of 90 Day Hold* form and a property report form will be used to meet this requirement. The item(s) will be coded "O" for "Other." The pawnbroker will be given a copy of the property report.

#### **321.4.3 RELEASE OF HOLD**

- (a) If the property on hold in the possession of the pawnbroker is no longer required for the purpose of a criminal investigation, the law enforcement agency that placed the hold on the property shall release the hold on the property. (Business and Professions Code § 21647(d))
- (b) After the hold lapses, or 60 days elapse following the delivery of the notice to the person who reported the property lost or stolen without a claim being made by that person, whichever is later, if the pawnbroker mails under a Certificate of Mailing issued by the United States Post Office, addressed to the law enforcement agency that placed the property on hold, a written request to delete the property listing from the Department of Justice automated property system or automated firearms system, the law enforcement agency shall either delete the property listing or place a hold on the property within 30 days after the request is mailed. If no action is taken in response to the written request within 45 days of its mailing, the pawnbroker may presume that the property listing has been deleted. (Business and Professions Code § 21647(f))

#### **321.5 DISPOSAL OF SEIZED PROPERTY**

The Penal Code provides various methods of disposing of stolen or embezzled property. See generally Penal Code §§ 1407-1413.

The disposal of property seized from a pawnbroker is generally governed by Financial Code §§ 21206.7-21206.8; See also Penal Code §§ 1407-1413; *Sanders* at 1430.

##### **321.5.1 NECESSARY STEPS PRIOR TO DISPOSAL**

Seized property may not be disposed of unless the following steps are taken:

- (a) If any person makes a claim of ownership using the attached *Declaration of Ownership form* and providing proof of ownership, the peace officer, magistrate, court, clerk, or other person with custody of the property shall notify the pawnbroker. Peace officers shall provide notice by mailing the pawnbroker a completed copy of the attached *Notice of Claim* letter by certified mail, along with a signed copy of the *Declaration of Ownership* and proof of ownership, after any personal information of the person claiming ownership has been deleted. Financial Code § 21206.8(b)(1). The *Notice of Claim* form requests that the pawnbroker provide a written statement and all evidence he or she believes supports his or her claim, and informs the pawnbroker that he or she will be allowed a reasonable opportunity to be heard as to why the property should not be delivered to the person claiming ownership. *Zeltser v. City of Oakland*, 325 F.3d 1141, 1145 (9th Cir. 2003).
- (b) If the pawnbroker does not assert a claim within 15 days from the date of receipt of the *Notice of Claim*, the property may be disposed of pursuant to Penal Code §§ 1407-1413. Penal Code § 1413(b) provides for delivery to the person claiming ownership once the clerk makes and retains a complete photographic record of the property and the owner signs a Declaration of Ownership under penalty of perjury, provides satisfactory proof of ownership, and presents proper personal identification. (Note: the 15 day period for the pawnbroker to assert a claim satisfies both the 10 day period required by Financial Code § 21206.8(b)(2) and the 15 day period required by Penal Code § 1413(b)).



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- (c) If the pawnbroker asserts a claim within 15 days of receiving the *Notice of Claim*, the property clerk or peace officer shall contact the pawnbroker and request that he or she provide a written statement and all evidence he or she believes supports his or her claim, and notify the pawnbroker that he or she will be allowed a reasonable opportunity to be heard as to why the property should not be delivered to the person claiming ownership. *Zeltser v. City of Oakland*, 325 F.3d 1141, 1145 (9th Cir. 2003). The law enforcement agency may wish to consult the City Attorney when resolving competing claims.
- (d) If the pawnbroker disputes the clerk's determination regarding disposition of the property, the pawnbroker may seek to have it reviewed by the magistrate or judge who presided over the criminal case against the alleged thief. (Penal Code §1413(c))
- (e) If reasonable attempts to notify the owner have been unsuccessful and the property is no longer needed for the criminal proceeding, the property should be returned to the pawnbroker after 3 months. (Penal Code § 1411; Financial Code § 21206.8(c))

### **321.6 SUPERVISION AND COORDINATION**

- (a) The Investigation Section Commander shall be made aware of all items seized pursuant to this order.
- (b) The Investigation Section Commander shall be responsible for coordinating and overseeing all aspects of this Order.

## Search & Seizure

### 322.1 PURPOSE AND SCOPE

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

### 322.2 REASONABLE EXPECTATION OF PRIVACY

Both the United States and the California Constitutions provide every individual with the right to be free from unreasonable governmental intrusion. As a general rule, members of this department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without one or more of the following:

- A valid search warrant
- Exigent circumstances
- Valid consent

#### 322.2.1 SEARCH PROTOCOL

- (a) Members of this department will conduct person searches with dignity and courtesy.
- (b) Members of this department will conduct property searches in a manner that returns the condition of the property to its pre-search status as nearly as reasonably practical.
- (c) Members of this department should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.
- (d) When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search.
- (e) A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:
  1. A supervisor and/or one other officer should witness the search, if practical.
  2. Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.
- (f) The officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

### 322.3 SPECIFIC SITUATIONS

#### 322.3.1 RESIDENCE

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not, however, generally have a reasonable expectation of privacy in

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areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

#### **322.3.2 PLAIN VIEW**

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

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

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

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

#### **322.3.3 EXIGENT CIRCUMSTANCES**

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

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

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

#### **322.4 CONSENT**

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

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

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

If unusual circumstances prevent the use of the Consent to Search form, officers should describe such circumstances in related report(s).

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

Consent must be obtained as the product of a free will. It cannot be obtained through submission to authority, expressed or implied.

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A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire. Absent other legal justification, any related search should be discontinued at any point that consent is withdrawn.

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## Temporary Custody of Juveniles

### 324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Santa Cruz Police Department.

### 324.2 AUTHORITY TO DETAIN

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

#### 324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

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

### 324.3 TEMPORARY CUSTODY

No juvenile may be held in temporary custody at the Santa Cruz Police Department without authorization of the arresting officer's supervisor or the Watch Commander. An individual taken into custody for Welfare and Institutions Code § 300 or § 601 shall be processed as soon as practical. Juveniles detained under Welfare and Institutions Code § 602 may not be held at this facility for more than six hours from the time of arrival at the Santa Cruz Police Department. When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

- (a) Once the detained juvenile has been placed in secure or non-secure custody, complete the Juvenile Detention Log located in the Watch Commander's office
- (b) Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (Welfare and Institutions Code § 627)

Status offenders and abused or neglected children (juveniles falling within provisions of Welfare and Institutions Code §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

#### 324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody shall have the following made available to them:

- (a) Access to toilets and washing facilities
- (b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor
- (c) Access to drinking water
- (d) Privacy during visits with family, guardian, or lawyer
- (e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody,

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### *Temporary Custody of Juveniles*

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the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (Welfare & Institutions Code § 627 and Penal Code § 851.5)

#### **324.3.2 NON-CONTACT REQUIREMENTS**

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners except as provided below (208 Welfare and Institutions Code, Title 15 California Code of Regulations §§ 1544, 1546)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- (a) There will be no communication between the juvenile and adult prisoners allowed
- (b) If an adult prisoner is present with the juvenile in the same room or area, a sworn Santa Cruz Police Department employee shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner
- (c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
  1. Booking
  2. Medical screening
  3. Movement of persons in custody within the Santa Cruz Police Department

#### **324.4 TYPES OF CUSTODY**

The following provisions apply to types of custody, and detentions of juveniles brought to the Santa Cruz Police Department.

##### **324.4.1 NON-SECURE CUSTODY**

All juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure. Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object. Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

##### **324.4.2 JUVENILE DETENTION ROOMS**

The Santa Cruz Police Department has detention rooms. These rooms are designed for the temporary detention of juveniles. Officers or detectives placing juveniles in detention rooms shall comply with the following:

- (a) It is the officer's responsibility to notify the Shift Supervisor that a detention has begun. The juvenile must be told the reason for incarceration, the length of time detention will last and that it may not exceed a total of six hours.
- (b) Any juvenile placed in a detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the

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### *Temporary Custody of Juveniles*

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Supervisor shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.

- (c) A written record will be maintained on a detention log located in the detention area. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a detention, the time the detention began, and the time it ended. There will also be a place for the Supervisor to initial the log approving the detention to occur and to initial the log when the juvenile is released.
- (d) A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report

### **324.5 JUVENILE CONTACTS AT SCHOOL FACILITIES**

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

- (a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- (b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
  - 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
  - 2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.
  - 3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.
    - (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
    - (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
- (c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

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- (d) Whenever circumstances warrant the temporary detention or interview of a juvenile student on a secondary school campus, the officer should:
1. Take all reasonable steps to notify a parent, guardian or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with the parents should be documented.
  2. If efforts to contact a parent, guardian or responsible adult are unsuccessful, an interview with the juvenile may proceed without them. Upon the request of the juvenile, a school officer or lawyer may be present during the interview.

### **324.6 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. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

#### **324.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER**

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

#### **324.6.2 RELEASE OF INFORMATION TO OTHER AGENCIES**

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

### **324.7 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES**

#### **324.7.1 SUICIDE PREVENTION OF JUVENILES IN CUSTODY**

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

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

#### **324.7.2 DEATH OF A JUVENILE WHILE DETAINED**

Refer to the Santa Cruz County Critical Incident Protocol as outlined in § 310.

#### **324.7.3 CURFEW VIOLATIONS**

Juveniles detained for curfew violations will be charged with Santa Cruz Municipal Code §§ 9.04.010 thru 9.04.040 as appropriate. The juvenile(s) may be released in the field to their parent, legal guardian or responsible adult or brought to the station and released to a parent, legal guardian or responsible adult.



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### *Temporary Custody of Juveniles*

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#### **324.8 INTOXICATED AND SUBSTANCE ABUSING MINORS**

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

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## Elder Abuse

### 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection, and intervention in incidents of elder abuse. It is the policy of the Santa Cruz Police Department to treat reports of violence against elderly persons as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect(s).

### 326.2 DEFINITIONS

For purposes of this policy, the following definitions are provided (Welfare and Institutions Code § 15610; et seq. and Penal Code § 368).

**Dependent Adult** - means any person residing in this state, between the ages of 18 and 64-years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or 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. Dependent Adult includes any person between the ages of 18 and 64-years who is admitted as an inpatient to a 24-hour health facility, as defined in Health and Safety Code §§ 1250, 1250.2, and 1250.3.

**Elder** - means any person residing in this state, 65-years of age or older.

**Fiduciary Abuse** - means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

**Abuse of an Elder or a Dependent Adult** - means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

**Adult Protective Services Agency** - means a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff.

**Neglect** - means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- (a) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
- (b) Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone instead of medical treatment.

### 326.3 MANDATORY REPORTING REQUIREMENTS

Pursuant to Welfare and Institutions Code § 15630, the Santa Cruz Police Department is considered a mandated reporter. "Any employee who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of

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the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days."

#### **326.3.1 RECORDS SECTION RESPONSIBILITY**

The Records Section is responsible for the following:

- (a) Provide a copy of the elder/dependent abuse report to Adult Protective Services. This requirement is applicable even if the initial call was received from Adult Protective Services.
- (b) Retain the original elder/dependent abuse report with the initial case file.

#### **326.4 OFFICER'S RESPONSE**

Officers shall investigate all calls of elder abuse and dependent abuse that they encounter. Officers responding to incidents of actual or suspected elder abuse shall consider the following when handling these calls:

##### **326.4.1 INITIAL RESPONSE**

Officers may be called upon to effect a forced entry as the first responder to the scene of a suspected elder abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if not already present.

##### **326.4.2 STABILIZE THE SITUATION**

Officers must quickly assess the situation in an effort to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly person
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence such as injuries that may change in appearance should be photographed immediately
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that may be eliminated by our intervention
- (d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the elderly victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

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#### **326.4.3 SUPPORT PERSONNEL**

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Patrol Supervisor
- Detective personnel
- Evidence collection personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

#### **326.4.4 EMERGENCY PROTECTIVE ORDERS**

In any situation which an officer reasonably believes that an elder or dependant 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)).

#### **326.5 ELDER ABUSE REPORTING**

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim
- Victim's condition/nature and extent of injuries, neglect or loss
- Names of agencies and personnel requested and on scene

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

Officers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

## **Discriminatory Harassment**

### **328.1 PURPOSE AND SCOPE**

To prevent Department members from being subjected to discrimination or sexual harassment and to ensure full equal employment opportunity, in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission, the California Fair Employment and Housing Act and the guidelines issued by the California Fair Employment and Housing Commission.

### **328.2 POLICY**

The Santa Cruz Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventative, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

### **328.3 DEFINITIONS**

#### **328.3.1 DISCRIMINATION**

Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated in Policy Manual § 328.31 of this order.

#### **328.3.2 SEXUAL HARASSMENT**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and 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 an employee's employment.
- (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.
- (c) Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

#### **328.3.3 ADDITIONAL CONSIDERATIONS**

Discrimination and harassment does not include actions that are in accordance with established rules, principles or standards including the following:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission Guidelines.

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### *Discriminatory Harassment*

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- (b) Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or any other appropriate work-related communication between supervisor and employee.

#### **328.4 RESPONSIBILITIES**

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

All employees shall promptly report any observed or known violations of this policy to a supervisor. Employee(s) not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to a higher ranking officer. Complaints may also be filed with the City's Affirmative Action Officer.

Supervisors and managers receiving information regarding violation(s) of this order shall determine if there is any basis for the allegation and shall proceed with resolution as stated in Policy Manual § 328.51.

##### **328.4.1 SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

- (a) Ensure that the work environment is free from all types of unlawful discrimination, including sexual harassment
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination
- (c) Train their subordinates as to what constitutes discrimination and harassment
- (d) Notify the Chief of Police in writing of the circumstances surrounding any reported allegations of discrimination/harassment no later than the next business day

Individual employees may be held personally liable for discriminatory acts, including sexual harassment.

##### **328.4.2 SUPERVISOR'S ROLE**

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory or harassing. Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards
- (b) False or mistaken accusations of discrimination and sexual harassment have negative effects on the careers of innocent employees
- (c) Supervisors and managers must act responsibly in the handling of such situations
- (d) Supervisors and managers must make a determination on any allegations based upon all available facts

#### **328.5 INVESTIGATION OF COMPLAINTS**

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employees should take reasonable steps to mitigate or eliminate any continuing hostile work environment.

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### *Discriminatory Harassment*

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#### **328.5.1 SUPERVISORY RESOLUTION**

Whenever possible, employees who believe they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, supervisory or management assistance or counseling should be sought from a supervisor or manager one rank higher than the alleged offender.

#### **328.5.2 FORMAL INVESTIGATION**

Upon being notified of any complaint that cannot be satisfactorily resolved through the supervisory means cited above, the Chief of Police or his or her designee shall initiate a formal investigation.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and cooperation of any employees involved. No influence will be used to suppress any complaint and (except as herein provided) no employee 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 and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses.

Optional Resolution - Employees who believe they have been discriminated against or harassed because of their protected status described in Policy Manual § 328.31 of this procedure are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Resources, or the City Manager.

#### **328.5.3 DISPOSITION OF COMPLAINTS**

Only one of the following four dispositions will be used to classify the disposition of an allegation of harassment:

**Sustained Complaints** - If the complaint is substantiated, this policy and procedure prohibiting discrimination/harassment will be reviewed with the offender. Appropriate disciplinary action and/or training, will be taken pursuant to the department disciplinary procedures.

**Not Sustained Complaints** - If there is insufficient evidence to either prove or disprove the allegation(s), both parties to the complaint will be informed of the reason(s) for this disposition.

**Unfounded Complaint** - If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

**Exonerated Complaints** - If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Should it be determined that the reporting employee filed the complaint in good faith and/or through a mistake of fact, that employee shall be counseled/trained pursuant to Policy Manual § 328.41(c).

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### *Discriminatory Harassment*

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Should it be determined that the reporting employee maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to the disciplinary process up to and including termination.

#### **328.6 NOTIFICATION OF DISPOSITION**

Complainant and/or victim will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

#### **328.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be documented on forms and in a manner designated by the Chief of Police. All reports shall be:

- Approved by the Chief of Police
- Maintained for a minimum of five years

#### **328.8 GRIEVANCE PROCEDURE**

Disputes arising out of the interpretation and enforcement of this policy and procedure shall be resolved through the established Grievance Procedure.

##### **328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Employees having questions are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Resources, or the City Manager or they may contact the California Department of Fair Employment and Housing at (800) 884-1684.



## Child Abuse Reporting

### 330.1 PURPOSE AND SCOPE

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

### 330.2 DEFINITIONS

For purposes of this section the following definitions are provided:

**Child** - means a person under the age of 18-years.

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

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

### 330.3 CHILD ABUSE REPORTING

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

#### 330.3.1 MANDATORY NOTIFICATION

Pursuant to Penal Code § 11166.1, when this department receives a report of abuse occurring at the below listed facilities, notification shall be made within 24 hours to the licensing office with jurisdiction over the facility.

- A facility licensed to care for children by the State Department of Social Services
- A report of the death of a child who was, at the time of death, living at, enrolled in or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility

Additionally, an immediate notification is required to the appropriate licensing agency if the suspected child abuse occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility licensee or staff person.

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#### **330.3.2 POLICE REPORTS**

Employees responding to incidents of suspected child abuse where it cannot initially be shown that a crime occurred shall document the incident in a general report. No suspected child abuse report is required if the incident is documented in a general or miscellaneous report.

#### **330.3.3 RELEASE OF REPORTS**

Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810.

#### **330.4 INVESTIGATION RESPONSIBILITY**

The duties of the detectives assigned to investigate child abuse include but are not limited to:

- (a) Responsibility for the investigation, collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation
- (b) Investigation into the deaths of children that could be attributed to abuse, molest, or Sudden Infant Death Syndrome (SIDS)
- (c) Investigate reports of unfit homes, child abandonment, child endangering, or neglect
- (d) Provide follow-up on suspected child abuse reports (compliance calls)
- (e) Provide appropriate training to patrol personnel
- (f) Coordinate with other enforcement agencies, social service agencies, and school administrators in the application and enforcement of the laws regarding child abuse cases

#### **330.5 PHYSICAL EXAMINATIONS**

If the child has been the victim of sexual abuse requiring a medical examination, the officer should arrange for transportation of the victim to the appropriate hospital. The officer will need to fill out the Medical Report - Suspected Child Sexual Abuse form, (OCJP form 925) prior to the doctor doing the examination.

#### **330.6 TEMPORARY CUSTODY OF JUVENILES**

Pursuant to Welfare and Institutions Code § 300 et seq., a child may be taken into protective custody if he/she is the victim of suspected child abuse.

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## Missing Person Reporting

### 332.1 PURPOSE AND SCOPE

This policy describes the procedure for acceptance, reporting, documenting and investigating missing persons. Penal Code §§ 14200 through 14213 and §§ 14250 and 14251, as well as 42 USC 5779(a), specify certain requirements relating to missing persons.

#### 332.1.1 DEFINITIONS (PENAL CODE § 14213)

**Missing Person**—Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code § 277.

Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

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

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

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

### 332.2 REPORT ACCEPTANCE

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

Patrol personnel should handle the initial missing person report. Department personnel shall promptly assist any person who is attempting to make a report of a missing person or runaway. In cases involving a person at-risk or a child under 16- years of age, the Investigation Section will begin an investigation after an initial search by patrol personnel.

In all cases involving a person at-risk or a child under 16 years of age the handling employee shall ensure that the Watch Commander and appropriate Investigation Section supervisor shall be notified.

#### 332.2.1 INVESTIGATION DILIGENCE

Members of this department shall accept any report, including any telephonic report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property. (Penal Code § 14205). The required actions include the following:

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## Policy Manual

### *Missing Person Reporting*

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- (a) Make an assessment of reasonable steps to be taken to locate the person
- (b) If the missing person is under 16-years of age, or there is evidence the person is at-risk, the Department shall broadcast over the radio a "be-on-the-lookout" transmission without delay within this jurisdiction

The agency having jurisdiction over the missing person's residence normally will handle the case after the initial report is taken, however Department members may assist in the investigation on a person who was last seen in this jurisdiction.

### **332.3 REPORT HANDLING**

Missing person reports require special handling and timely notifications. A reference chart is attached at the end of this section.

#### **332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS**

When the Santa Cruz Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Records Section shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen. (Penal Code § 14205(c))

#### **332.3.2 TELETYPE NOTIFICATIONS**

When the missing person is under the age of 21, Records Section personnel shall send a teletype to the Department of Justice and the National Crime Information Center within four hours after accepting the report (42 USC 5779(a)). To assist the Department of Justice, the teletype must note if the case involves a person at-risk or under 16-years of age.

#### **332.3.3 AT-RISK REQUIREMENTS**

If a missing person is under 18-years of age and at-risk or under 12-years of age and missing for more than 14 days, the handling detective shall immediately submit to the dentist, physician/surgeon, or medical facility the signed request for dental or skeletal X-rays or both.

In all cases the handling detective may confer with the coroner or medical examiners and may submit reports including the dental/skeletal X-rays within 24 hours to the Attorney General's office for submission to the center.

#### **332.3.4 MISSING MORE THAN 45 DAYS**

If a person is still missing after 45-days, the detective must check with the appropriate coroner(s) or medical examiner(s) and send to the Department of Justice both Department of Justice forms and dental records along with a photograph and this must be noted on Department of Justice form SS-8568. If dental records are unobtainable, this should be noted on Department of Justice form SS-8568.

### **332.4 MISSING PERSONS LOCATED**

The investigation may be concluded when the missing person is located or when another agency accepts the case and formally assumes the investigative responsibilities.

If a missing person under the age of 21 is located, the detective must ensure that a teletype is sent within 24-hours to the Department of Justice noting that information.

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### Missing Person Reporting

When all other missing persons are located, the detective (if the case has been assigned) must ensure that a teletype is sent within seven days to the Department of Justice noting that information. If no detective has yet been assigned Records Section personnel shall be responsible for sending the teletype.

#### 332.5 REFERENCE CHART

	ENTRY INTO MUPS/ NCIC	BOLO TELETYPE	CORONER CHECK	DOJ FORM (SS 8567)	SEND DENTAL X-RAYS	SEND PHOTO	SCHOOL NOTICE
CHILD "AT-RISK"	Immediate	Without delay	Within 24 hours	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 24 hours to DOJ	Within 10 days, written notice & photo
CHILD NOT "AT-RISK" (under 21)	Within 4 hours	Without delay	After 14 days immediate check	After 14 days, within 24 hours	After 14 days, within 24 hours	After 14 days, within 24 hours	Within 10 days, written notice & photo
ADULT "AT-RISK"	Within 4 hours	Without delay	After 45 days immediate check	Mandated after 45 days, but DOJ wants form ASAP	After 45 days	Not mandated	N/A
ADULT NOT "AT-RISK"	Within 45 days	DOJ suggests	After 45 days immediate check	After 45 days	After 45 days	Not mandated	N/A

#### 332.6 SCHOOL NOTIFICATION

Education Code § 49068.6 requires law enforcement to notify the school in which the missing child is enrolled. The school shall "flag" a missing child's record and immediately notify law enforcement of an inquiry or request for the missing child's records.

#### 332.7 DNA SAMPLE COLLECTION

- (a) In any case in which a report is taken concerning a person missing under high-risk circumstances, the assigned detective shall, within no more than 30 days, inform the parents or other appropriate relatives that they may give a voluntary sample for DNA testing or may collect a DNA sample from a personal item belonging to the missing person, if available (Penal Code §14250(c)).
- (b) Such samples shall be collected in a manner prescribed by the Department of Justice, using a DOJ model kit.
- (c) After 30 days, the reporting officer or assigned detective shall verify the status of the missing person. If still missing, the DNA sample and a copy of the original report and any supplemental reports shall be sent to the Department of Justice for testing and inclusion in the DNA database.

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## AMBER Alerts

### 334.1 PURPOSE AND SCOPE

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

#### 334.1.1 AUTHORITY

The Monterey, Santa Cruz, and San Benito County Chief's and Sheriff's Associations, 911 Centers and Offices of Emergency Services approved this procedure on March 13, 2003.

#### 334.1.2 DEFINITIONS

**Senior Management Personnel** - At the discretion of the Venue agency for approval but should be above the patrol watch commander.

**Venue Agency** - The law enforcement agency within whose geographic jurisdiction the child abduction occurs.

**CHP Internet Sites** - CHP can continually post updated information and photographs. Their media Web page is [HTTP://CAD.CHP.CA.GOV/](http://CAD.CHP.CA.GOV/) and public website is [www.chp.ca.gov](http://www.chp.ca.gov)

**Emergency Alert Broadcast System (EAS)** - Can be enacted by the CHP or by the Office of Emergency Services and sends the signal to interrupt regular broadcasting on radio and television.

**Emergency Digital Information Service (EDIS)** - The direct computer link to media outlets and other law enforcement agencies. A website is also available to view all posted messages at [www.EDIS.ca.gov](http://www.EDIS.ca.gov).

**Emergency Notification and Tactical Alert Center (ENTAC)** - The state center responsible for providing coordination for the entire state regarding child abductions. They can be reached by email at [erchp@chp.ca.gov](mailto:erchp@chp.ca.gov) if you need them to make the TRAK flyer for you.

**Technology to Recover Abducted kids (TRAK)** - TRAK is an imagebased system linking state, county and local law enforcement agencies.

**LP1** - Radio stations which receives the initial EAS broadcast and then is responsible to forward the message to all other radio and television stations. The LP2 is the back up station for the LP1.

**Changeable Message Signs (CMS)** - Electronic messages set up on freeways that display necessary information Operated and controlled by the California Department of Transportation (Caltrans).

### 334.2 CHILD ABDUCTION CRITERIA

An AMBER Alert should only be implemented in the following cases:

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# Santa Cruz Police Department

## Policy Manual

### *AMBER Alerts*

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- (a) A confirmed non-parental abduction of a child 17 years of age or younger, or any person suffering from a mental or physical handicap; or
- (b) The child victim of a parental abduction faces the threat of injury or death; and
- (c) Law Enforcement has credible information the child is in eminent danger of serious bodily harm or death;
- (d) There must be enough descriptive information about the child, abductor, and/or suspect's vehicle to believe an immediate broadcast alert will help.
- (e) **AN AMBER ALERT SHALL ONLY BE IMPLEMENTED BY A LAW ENFORCEMENT AGENCY WITH THE APPROVAL OF SENIOR MANAGEMENT PERSONNEL.**

### **334.3 ALERT RESPONSIBILITY**

- (a) Patrol Officer will gather and assess pertinent information at the scene of a reported child abduction.
  - 1. If the above information is in agreement with the needed criteria, the patrol officer will notify their Watch Commander.
  - 2. Start to complete the information requested in the flow chart and notify the appropriate Department manager for approval of AMBER Alert implementation.
  - 3. Complete the CHP broadcast form.
- (b) Santa Cruz County LE agencies will initiate Project ROPE.
- (c) State Parks will contact the law enforcement agency that has jurisdiction for the park of occurrence.
- (d) The patrol officer will then contact their respective 9-1-1 center and provide all information on the CHP broadcast form.
- (e) Carmel P.D. will contact Monterey County 9-1-1 at 755-5100;
- (f) Scotts Valley and UCSC PD's will contact Santa Cruz County 9-1-1 via their ring down lines; and
- (g) The venue agency will provide a phone number (with at least the capability to roll overs to three different lines) for the public to call with information.
  - 1. The venue agency will provide a Press Information Officer (PIO) with a dedicated phone number to field press calls.
- (h) The 9-1-1 center will Notify the CHP via their dispatch center to initiate an Emergency Alert Systems (EAS) broadcast for assistance with all other state requirements:
  - 1. Santa Cruz County Agencies, 455-4855
  - 2. Monterey County Agencies, 455-4856
  - 3. San Benito County Agencies, 455-4854
- (i) The Patrol Officer, or designee, will respond to the office to make a TRAK flyer. That flyer will be sent to The Monterey Bay Amber Distribution List (This includes all area LE, Media, CHP, 9-1-1 centers and OES offices via their TRAK and FAX numbers. (Amber media distribution list is attached.) Sample flyer is attached. When requesting posting on the CHP website, you should send the photo as a jpeg file to [erchp@chp.ca.gov](mailto:erchp@chp.ca.gov)
- (j) As soon as possible the venue agency will send a detective or equivalent to their 9-1-1 center to assist with incoming calls and make decisions regarding those calls.

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### AMBER Alerts

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1. The venue agency will follow this case as they would per their established major case protocol.
- (k) Once the child is located all notifications will be made again in the same order as in the initial contacts. The EAS message will not be sent upon location of a child.

#### 334.3.1 ADDITIONAL AVAILABLE RESOURCES

ORGANIZATION	NUMBER
National Center for Missing and Exploited Children	(800) 843-5678
FBI Office/Watsonville	(831) 722-8720
Coast Guard/Monterey	(831) 647-7303
San Ysidro INS POE	(619) 662-7240
US Border Patrol-San Diego Station	(619) 662-7321
San Jose Airport Police	(408) 277-8919
Monterey Airport Police	(831) 648-7006
International Family Abductions	(916) 227-3244
International Abductions-San Diego	(858) 268-5400
Vanished Children's Alliance	(408) 296-1113
The Polly Klaas Foundation	(707) 769-1334
Royal Canadian Mounted Police	(613) 993-1525

#### 334.3.2 9-1-1 EMERGENCY COMMUNICATIONS CENTER RESPONSIBILITIES

- (a) Receive the alert information from the patrol officer and ensure that proper approval has been obtained.
- (b) Prepare the CLETS message to be sent to 4500 (All State Law Enforcement including Nevada and Oregon State Patrols, OES and California Media.).
  1. To activate EAS call CHP dispatch:
    - (a) Santa Cruz County 455-4855;
    - (b) Monterey County 455-4856;
    - (c) San Benito County 455-4854.
- (c) CHP, upon EAS activation will contact the LP-1 KTOM Radio by phone, 759-2781 to confirm receipt. If no answer the LP-2 KPIG Radio will be contacted at 722-2299. CHP will then also contact the Spanish LP-1 KLOK at 771-9950/(408) 602-3262.
- (d) Receive any incoming public calls and transfer to the venue agency and/or dispatch the immediate Law Enforcement agency based on specific information received.
- (e) Provide a work station for the officer sent to assist with incoming calls.
- (f) Immediately upon notification that the child has been found, cancel the Aler using the same procedure as to initiate with the exception of the initial EAS message.

#### 334.4 MEDIA RESPONSIBILITIES

##### 334.4.1 RADIO

- (a) Upon receipt, the LP-1/LP-2 Radio stations will interrupt current broadcasting with the verbal message per the agreed format.



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### *AMBER Alerts*

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- (b) A rebroadcast will then be made every 20 minutes for the first three hours.
- (c) From 3 to 24 hours a broadcast will be made at each regular news spot.
- (d) After 24 hours at the discretion of the station until the child is located.
- (e) Upon location of the child, broadcast to be made at the discretion of the station.
- (f) Make follow up inquiries using the number provided for the PIO.

#### **334.4.2 TELEVISION**

- (a) Television will begin an immediate "crawler" at the bottom of the TV screen to disseminate the information for the first 3 hours, with an actual broadcast at the discretion of the station.
- (b) From 3 to 24 hours a broadcast will be made at each regular news broadcast.
- (c) After 24 hours at the discretion of the station until the child is located.
- (d) Upon location of the child, broadcast to be made at the discretion of the station.
- (e) Make follow up inquiries using the number provided for the PIO.

#### **334.4.3 NEWSPAPER**

- (a) Upon receipt of an Amber Alert flyer, call the venue agency using only the number provided for the PIO.
- (b) Complete and publish story at the discretion of the individual agency.

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## Victim Witness Assistance Program

### 336.1 PURPOSE AND SCOPE

Persons who have sustained a physical injury as a direct result of a crime of violence, those persons who are legally dependent for support upon such persons who have sustained physical injury or death and those persons who legally or voluntarily assume the medical or burial expenses of such persons may be indemnified by the State of California. These provisions are contained in Government Code, § 13959 et seq. Law enforcement agencies are charged with the responsibility of notifying the victims of violent crimes of their right to indemnification.

### 336.2 DEFINITIONS

Government Code § 13951 provides definitions for the following:

#### 336.2.1 VICTIM DEFINED

"Victim" shall mean a California resident or military person who is:

- (a) A person who sustains injury or death as a direct result of a crime
- (b) Legally dependent for support upon a person who sustains injury or death as a direct result of a crime
- (c) A family member or any person in close relationship to a victim who was present during the commission of the crime and whose treatment or presence during treatment of the victim is required for successful medical treatment
- (d) Any individual who legally assumes the obligation, or who voluntarily pays the medical or burial expenses incurred as a direct result of a death caused by a crime

#### 336.2.2 CRIME DEFINED

Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

- (a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle
- (b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153
- (c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated
- (d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F))

### 336.3 ADVISEMENT RESPONSIBILITY

Every employee reporting or investigating a crime where a victim has suffered injury as a direct or proximate cause of that crime will ensure the victim has been provided with

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### *Victim Witness Assistance Program*

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information about the existence of the local victim centers. This advisement shall include presenting the victim with the case number for the specific crime report.

#### **336.3.1 REPORTING OFFICER RESPONSIBILITY**

It shall be the primary responsibility of the reporting officer to make the required advisement as set forth in Policy Manual § 336.3. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If 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(b)(1)).
  1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
  2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

#### **336.3.2 VICTIM CONFIDENTIALITY**

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that their name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293 (a) and (b)).

Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

#### **336.3.3 DETECTIVE RESPONSIBILITY**

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

#### **336.3.4 SUPERVISOR RESPONSIBILITY**

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. The Detective Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

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### *Victim Witness Assistance Program*

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#### **336.4 VICTIM ADVOCATE**

The Victim Advocate shall be the liaison officer to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. Policy Manual § 810 regarding release of reports shall be followed in all cases.

## Hate Crimes

### 338.1 PURPOSE AND SCOPE

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

### 338.2 DEFINITIONS

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

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

### 338.3 CRIMINAL STATUTES

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

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

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

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

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

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### *Hate Crimes*

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

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

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

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

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

### **338.4 CIVIL STATUTES**

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

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

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

### **338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

- (a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate
- (b) A supervisor shall be notified of the circumstances immediately and the supervisor shall notify the Watch Commander and Investigations Commander immediately.
- (c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved
- (d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))
- (e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation

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### *Hate Crimes*

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- (f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as "Hate Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift
- (g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations
- (h) The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

#### **338.5.1 INVESTIGATION SECTION RESPONSIBILITY**

If a case is assigned to the Investigation Section, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate
- (b) Maintain contact with the victim(s) and other involved individuals as needed
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023

#### **338.6 TRAINING**

All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.

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## Standards of Conduct and Discipline

### 339.1 POLICY

It is the policy of this Department that its members are highly visible representatives of government and are entrusted with the responsibility of ensuring the safety and well being of the community as well as the delivery of police services. Since the functions of a police department have a major impact upon the community, standards of conduct for police personnel are higher than standards applied to the general public. In this regard, department members will conduct themselves in a manner which does not bring discredit upon individuals, the Department, the City, the community or the profession. A procedure is established for violation of Law and Departmental Policy. (Reference: Code of Professional Conduct and Responsibility for Peace Officers, see attachment A.)

### 339.2 PROCEDURES STANDARDS OF CONDUCT

#### 339.2.1 GENERAL RESPONSIBILITIES

All members of the Department, sworn and civilian, will become thoroughly familiar with these rules and regulations and will abide by them. They will observe and obey all:

- (a) Federal, state, and local laws;
- (b) General Orders of the Department and of the division to which they are assigned;
- (c) Training Bulletins and procedural documents;
- (d) Code of Professional Conduct and Responsibility for Peace Officers;
- (e) City of Santa Cruz Personnel Rules and Regulations and Administrative Procedure Orders;
- (f) Other lawful orders of their superiors.

Upon observing or otherwise becoming aware of a violation of rules, procedures, or policies, each department member is obligated to report such violation to a superior officer (supervisor or manager).

#### 339.2.2 ENFORCEMENT OF ALL LAWS

Employees are responsible for taking prompt and proper police action relative to violations of all laws observed by them or coming to their attention.

#### 339.2.3 CONDUCT UNBECOMING

A members conduct either on or off-duty, which could adversely reflect upon the department, will be deemed to be conduct unbecoming. Each case of misconduct will be examined to determine if the act was such that a reasonable person would find that such conduct was unbecoming a police employee. Actual conduct does not have to be public knowledge, but if known, could have an adverse effect.

The Chief of Police or an authorized representative will evaluate conduct. This evaluation will include as criteria the nature of the violation. In addition, the following criteria may be considered:

- (a) The member's tenure with the department;



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### *Standards of Conduct and Discipline*

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- (b) The severity of the member's past violations;
- (c) The nature and effectiveness of prior corrective action;
- (d) The member's past conduct which was beneficial to the department;
- (e) The member's past conduct which did not result in disciplinary measures.

#### **339.2.4 COORDINATION**

In carrying out the mission of the department, members will coordinate their efforts in a manner that will establish and maintain the highest possible standard of efficiency and conduct.

Department members will cooperate with and assist other members in their departmental work. Any deliberate and unjustified withholding of police information from other members of the department is prohibited.

#### **339.2.5 MEMBERS TO ACCEPT ASSIGNMENTS**

Notwithstanding the assignment of specific duties and responsibilities to members of the department, members will perform all other duties required of them by competent authority, at the time requested.

#### **339.2.6 PROVIDING SERVICES**

Members will be responsible for providing such services as may be assigned to them in pursuit of Department goals and objectives.

#### **339.2.7 OFFICIAL BUSINESS**

Department members will not enter into correspondence with any person concerning their official activities except as provided by departmental orders, nor will they use departmental stationery or forms for any purpose other than the transaction of official business.

#### **339.2.8 SUPPLYING IDENTIFICATION**

Consistent with officer safety and protection of the public, department members, while acting in an official capacity, will supply their name, rank and position, and similar identifying information in a professional manner to any person who may inquire. All employees are issued business cards. The furnishing of this card is encouraged and shall satisfy the identification requirement.

#### **339.2.9 INDIVIDUAL RESPONSIBILITIES**

- (a) Civil Cases and Processes: When representing the Department, members will not serve civil processes nor will they render assistance in civil court cases, except when the City of Santa Cruz is party or they have been subpoenaed in the proper manner. They will, however, prevent breaches of the peace and quell disturbances growing out of such matters and advise the parties concerning why police action may not be possible.
- (b) Consumption of Alcohol: No member of the Department will consume any intoxicating beverage while on any property occupied or administered by the Police Department without the express permission of the Chief of Police.
- (c) Influence of Intoxicants: No employee will report for work, or begin work, while under the influence of intoxicants.
- (d) Ingesting Intoxicants: No employee, except by management authorization for investigative purposes, shall ingest intoxicants while on duty.

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- (e) Consuming Beverages: No employees in uniform shall consume any beverage, including soft drinks, in a bar, tavern, cocktail lounge, or other premises at which the impression might be given that the employee was ingesting intoxicants.
- (f) Illegal use of Drugs: Is prohibited.
- (g) Incapacity to Perform Duties: Department members while on duty who are unable to perform their duties due to illness, exhaustion or any other impairment will report this fact to a superior officer who will then determine the proper disposition.
- (h) Recommending Services: When acting in an official capacity, members of the department will not recommend or suggest the employment or purchase of any specific professional or commercial service or product. This rule does not affect a member's duty to inform people in need of the availability of municipal, county, state or federal services.
- (i) Private use of Department Address: Members and employees will not use the Department as a mailing address for private purposes.
- (j) Conduct During Display of National Colors: Saluting the national colors by an organized civil or military body is an almost universal custom. Courtesy to the national colors will be displayed by police officers at retreat ceremonies, the playing of the National Anthem and parades.
- (k) Duty to Obey Lawful Orders: Department members will obey lawful orders from a superior officer.
- (l) Conflicting Orders: If a subordinate receives instructions from a senior member conflicting with the instructions received from proper or higher authority, the subordinate will inform the senior member of the conflict. If the senior member still desires that the order be carried out, the subordinate will do so and the senior member will review the order with the subordinate's supervisor.
- (m) Criticism of Orders: No member of the Department will publicly criticize, disparage or ridicule written or oral orders or instructions issued by a senior officer.
- (n) Improper or Questionable Orders: Department members receiving orders which they believe to be improper, in violation of the law or in violation of this manual, will express their concern to the senior member directly issuing the order. When the senior member directly issuing the order indicates that the order is to be complied with, the subordinate will adhere to one of the following appropriate procedures:
  - 1. Orders Requiring Immediate Compliance: Orders which pertain to situations that require immediate compliance will be carried out as directed. Once such orders are complied with, the member receiving the order may then appeal, in writing through the chain of command, to the Chief of Police.
  - 2. Orders Requiring Future Compliance: Orders which pertain to situations that do not require immediate compliance may be appealed prior to execution as long as such appeal does not frustrate or impede the operations that the order was intended to implement. The appeal will be in person or in writing through the chain of command to the Chief of Police
- (o) Confidentiality: Members will adhere to the following procedures pertaining to the confidentiality of official business of the Department.
  - 1. Identities: The identity of complainants, suspects, defendants, or friends or family of such persons must be protected. Their identities should be released to persons outside the Department only when allowed by law and departmental policy. The needless or careless making known of the identities of such persons is considered a breach of police responsibility and neglect of duty.

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2. Information of Operations: Members will not release to anyone information which may delay an arrest, aid a person to escape, destroy evidence, or remove stolen or embezzled goods, or which may in any other way hinder effective performance of police responsibilities.
  3. Official Statements and Appearances: Members are not to make any public statements relating to departmental business without the consent of the Chief of Police.
  4. Private Use of Department Information: Members are prohibited from using confidential or official information to advance the financial or other private interest of themselves or others.
- (p) Reporting for Duty: Members of the Department will be punctual in reporting for duty at the time and place designated by their superior officer. Members will report for duty in the regular uniform of the day, and apparel and equipment will be in a presentable condition.
1. Late for Duty: Members of the Department who report for duty at a later time than is required by their commanding officers may be subject to dismissal from duty for that watch or tour of duty. Immediate supervisors may allow tardy subordinates to assume their duties when notified by members that lateness will occur, however, repeated failures to report promptly may be deemed neglect of duty and made the subject of department discipline.
  2. Absence Without Proper Leave: Members will not be absent from duty without proper permission to leave, except when unable to report for duty at the assigned time due to sickness or injury. Employees shall notify the on-duty supervisor at least two hours in advance (if possible), if they are not going to be present for duty.
- (q) Personal Activities on Duty: Members of the Department will not devote any of their on-duty time to any activity which does not relate to a police function. They will not perform any police duty for the purpose of private gain nor will they make any private purchases when in uniform unless for personal maintenance or sustenance, or as authorized by competent authority. For non-uniformed personnel who take a non-paid lunch period, personal activities are permitted that are not in conflict with other policies and procedures.
- (r) Gratuities and Bribes: Members will not receive any rewards for services rendered in the line of duty.
1. Members will not accept a bribe or engage in any act of extortion or other unlawful means of obtaining money or property through their position with the Department.
  2. Members will not accept, directly or indirectly, a fee, loan, reward or gift of any kind from any person in custody, discharged from custody, liable to arrest or complaint or from any friend or relative of such person.
  3. Members, individually or collectively, will not solicit any reward from the performance of duties or seek or ask for a gratuity of any kind.
  4. Members will not use their positions to seek nor will they accept favors or gratuities which would not ordinarily be accorded private persons.
  5. Members are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner or other person involved in any case which has come to the member's attention or which arose out of the

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member's departmental employment except as may be specifically authorized by the Chief of Police.

- (s) **Misuse of Authority:** A department member will not engage in any act which could reasonably be construed to constitute misuse of authority. They will not use their position in the department to obtain any money, property or favors except as required by law or departmental procedures.
- (t) **Solicitations:** A department member will not solicit, collect, or receive money or other things of value for charitable or testimonial purposes except as approved by the Chief of Police.
- (u) **Misuses of Property;** Members will handle property in the manner directed by the Duty Manual. Under no circumstances will members appropriate property of the department, property of another department member, or any other property for their own use.
- (v) **Political Campaigning:** On-duty members will not engage in activities related to political campaigning. Improper activities include, but are not limited to, engaging in campaign speeches, distribution of pamphlets, posting of campaign ads, willfully being photographed in uniform (on or off-duty) with political candidates.
  - 1. Nothing in this policy precludes officers from working off-duty, out of uniform, in a non-law enforcement capacity in support of or in opposition to any political campaign. Additionally, it does not preclude candidates from approaching employee groups for purposes of endorsement or, in fact, employee organizations endorsing specific candidates, propositions, or measures.
- (w) **Strikes:** Members shall not initiate, authorize or participate in any strike.
- (x) **Meals/Coffee Breaks:** Sworn employees may suspend their police duty for a meal or coffee break depending on calls for service and subject to modification by their supervisor. Break periods are included in employees' working day and are subject to recall depending on departmental priorities and the demands of public safety.
  - 1. **Time Limitations:** Meal breaks"approximately 30 minutes; coffee breaks"approximately 15 minutes. Neither a meal break nor a coffee break may be had during the first hour or the last hour of an officer's assigned shift without specific authorization of the employee's supervisor.
  - 2. The acceptance of discount meals or free coffee, etc. is not allowed.
  - 3. No more than two marked police vehicles parked at any one restaurant, coffee shop, etc. at one time without management approval.
  - 4. No more than a total of three (3) uniformed (sworn/CSO's) members may be at any one restaurant at one time, without management approval.
  - 5. All officers working in uniform available for routine dispatch shall radio out for all coffee, meal breaks, etc. The use of portable radios does not alleviate this responsibility.
- (y) **Training:** Members shall attend in-service training at the direction of their commanding officer. Such attendance is considered a duty assignment.
- (z) **Smoking/use of Tobacco Products on Duty:** Uniformed members shall not smoke or use tobacco products while on-duty while in direct contact with the public. Smoking or use of tobacco products is prohibited inside all city-owned or leased buildings and vehicles.
- (aa) **Social Conduct on Duty:** While on duty, department members will not:
  - 1. Encourage, suggest, offer or accept sexual favors.

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2. Encourage, suggest, offer or provide leniency in enforcement in return for sexual or social encounters.
  3. Encourage, suggest, offer, or perform any services in the line of duty in return for sexual or social encounters.
  4. Engage in sexual activity.
  5. Associate unnecessarily with victims where an improper relationship could be perceived.
  6. Under color of authority, or otherwise, engage in any form of sexual harassment.
- (ab) Unnecessary Force: The improper use of firearms or of aerosol spray devices such as OC (oleoresin capsicum)/pepper spray, or the unnecessary use of physical force, constitutes gross misconduct. (For details of the law and department procedures and policies relative to the use of force, refer to §300 of this Manual).
- (ac) Maintenance of Department Property: Members and employees are responsible for the proper care of department property and equipment. Damaged or lost property may subject the responsible individual to reimbursement charges and/or appropriate disciplinary action.
- (ad) Reporting Damage: Accidents involving City personnel and/or equipment must be reported in accordance with procedures in this manual and the applicable City of Santa Cruz Administrative Procedure Order.
- (ae) Consumption of Intoxicants: Off-duty members will not consume intoxicants in a public place to the extent that they are unable to care for themselves and/or become discourteous when such conduct reflects adversely upon the Department.
- (af) Gambling: No games of chance for stakes or wages or other gambling will take place at the police building or any other police or City-owned facility.
- (ag) Off Duty Enforcement Action: Prior to taking enforcement action, off-duty officers will first give consideration to causing the appropriate action to be effected by on-duty personnel from the law enforcement agency in which the activity occurs. Additionally, the Department recognizes that off-duty officers cannot rely on the immediate assistance or application of police resources in the same capacity as while on-duty and thus, does not expect officers to jeopardize themselves or others by taking police action while off-duty.
1. Neighborhood Disputes: When on or off-duty, department members will avoid becoming officially involved in quarrels or disputes occurring in their own neighborhoods, unless the incident involves an immediate threat to human life. In any event, department members will first give consideration to their capacity to render an appropriate and adequate response before any action is taken.
  2. All off-duty arrests shall require notification of the on-duty sergeant.
- (ah) Chemical Tests: Department members may be required to submit to a chemical test if they are involved in certain, but not all, enforcement situations. When required by a superior officer, members will submit to a test following the incident. Circumstances which may require chemical tests are as follows:
1. The member injures or kills another person.
  2. In-custody death.
  3. The member or a superior officer determines that sobriety should be documented.
  4. Chemical tests may include, but are not limited to, a test of the blood, breath, or urine.

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- (ai) Carrying Equipment Off-Duty: When off-duty, officers will carry or have in their immediate possession their issued identification card. Officers may, but are not required to, carry firearms or chemical agent devices when off-duty (at their discretion). Whenever an officer carries a firearm, the department badge must also be carried. When wearing an off-duty firearm, officers will avoid exposing the weapon to public view.
  - 1. Chemical Agent Devices: Officers will carry only chemical agent devices issued or approved by the Department.
- (aj) The Code of Professional Conduct and Responsibility for Peace Officers: Is hereby made a part of the Duty Manual and all sworn officers, and non-sworn employees where applicable, shall conform to it. It is attached to the General Order for reference. (Attachment A)
- (ak) Lying: Intentional mis-truths, an assertion of fact not actually known to be true when made, or omission intended to present an inaccurate account or conceal misconduct.

### **339.3 DISCIPLINE**

#### **339.3.1 DEPARTMENT RESPONSIBILITY**

The Department has responsibility to its members and the community to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. It may involve encouragement inspiration, training, or the imposition of negative sanctions. Negative sanctions administered internally may range from a warning, where the immediate effect is on the individual, to termination, where the positive result is the reassurance to other employees of the unacceptable limits of misconduct. Policies, procedures, rules, regulations, and written or oral directives are made known as guidelines to set standards as acceptable and desired objectives. When violations of such directives occur, members of the Department will be subject to disciplinary action.

A well-disciplined Police Department is a Department whose members voluntarily conform to all Department policies, procedures, and rules. It follows that the best disciplined Department is least in need of corrective action. Nevertheless, a violation of the Department's policies, procedures and rules, or of the law, requires disciplinary action.

Discipline may be instruction or counseling which modifies the behavior of an individual, or may be punishment. The use of punishment as a disciplinary technique will be resorted to only when other forms of discipline have failed or the gravity of the violation dictates its use for the good of the Department.

#### **339.3.2 GENERAL CONDUCT SUBJECT TO DISCIPLINARY ACTION**

Any member or employee of the Santa Cruz Police Department whose personal actions reflect, or may reflect if known, against the reputation of the law enforcement profession, the Police Department or the City of Santa Cruz, or who commits an offense punishable under the laws or statutes of the United States, the State, or local ordinances, or violates any provision of the Rules and Regulations of the City of Santa Cruz or of the Department including, but not limited to, General Orders, Training Bulletins/Procedures, memorandums and/or disobeys any lawful order or is incompetent to perform assigned duties is subject to appropriate disciplinary action.

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#### **339.3.3 SPECIFIC CONDUCT SUBJECT TO DISCIPLINARY ACTION**

In concert with Civil Service rules, a member of the Department may be made the subject of disciplinary action whenever a member's conduct warrants.

#### **339.3.4 DISCIPLINARY ACTION PERMITTED**

When corrective action is indicated by the finding, one or more of the following actions may be taken by the Chief of Police subject to the provisions of the Charter of the City of Santa Cruz:

- (a) Counseling;
- (b) Training;
- (c) Oral reprimand;
- (d) Written reprimand;
- (e) Suspension;
- (f) Demotion;
- (g) Dismissal from the Department.

The level of discipline to be imposed will be considered on a case by case basis in accordance with the factors of consideration delineated in this General Order. Nothing set forth herein shall be construed as obligating the Department to adhere to a policy or procedure of progressive discipline.

#### **339.3.5 DEPARTMENT AUTHORITY FOR DISCIPLINARY ACTION**

Departmental disciplinary authority and responsibility rests with the Chief of Police. Supervisory personnel may administer one or more of the following:

- (a) Counseling;
- (b) Training;
- (c) Oral reprimand;
- (d) Written recommendation for other disciplinary action.

In those instances where emergency relief from duty is believed necessary, commanding officers will adhere to the procedures entitled "Non-Disciplinary Emergency Relief from Duty".

#### **339.3.6 EMERGENCY INTER-DIVISIONAL DISCIPLINARY ACTION**

When the improper conduct of a member or employee of one unit is of such a nature that immediate or emergency disciplinary action is required of a commanding or supervisory officer of another unit, such action may be taken at once.

When such action is taken, the commanding or supervisory member imposing the discipline will notify superiors in both chains of command immediately. When the conduct is such that the commanding or supervisory member believes that other disciplinary measures are required, such supervisor will submit a memorandum to the member's immediate supervisor detailing the conduct.

#### **339.3.7 INFORMING THE PERSON BEING DISCIPLINED**

The member or employee being disciplined will be informed of the charges and penalties assigned at the time such action is taken. Prior to the imposition of any discipline resulting

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in a suspension, demotion or dismissal, the employee will be advised of their right to appeal the discipline prior to its imposition at a meeting with the Chief of Police or designee.

#### **339.3.8 APPEAL FROM PENALTIES**

Appeals from penalties imposed as disciplinary measures may be taken as provided in the Charter of the City of Santa Cruz and in accordance with the Civil Service rules and applicable Memorandums of Understanding (MOU's).

#### **339.3.9 USE OF COUNSELING AND TRAINING**

Misconduct investigations which result in a finding of "Exonerated" or "Not-Sustained" will not relieve Department supervisors or commanders from the responsibility of counseling or training subordinate personnel who demonstrate problems of knowledge, judgment or common sense.

#### **339.4 NON-DISCIPLINARY EMERGENCY RELIEF FROM DUTIES**

The following personnel have the authority to impose emergency relief from duty until the next business day against an employee when it appears that such action is in the best interest of the Department:

- Any command officer;
- Any police sergeant.

When a Department employee is relieved from duty pursuant to this procedure, the command officer or sergeant instituting the action will direct the employee to report to such employee's division commander on the next business day at 0900 hours, unless otherwise directed by competent authority.

The command officer or sergeant imposing or recommending the action shall report to the employee's division commander prior to the employee's designated time and have prepared a written report of the details of the incident prompting the relief from duty. The report will include:

- (a) The name, rank and present assignment of the person relieved from duty;
- (b) The date(s) and time(s) of the incident and location(s);
- (c) The section number(s) of this manual violated or common name of the violation;
- (d) A complete statement of the facts of the incident;
- (e) The written signature and rank of the preparing officer and his position in relation to the member or employee involved.

The relieved employee's division commander, or a designee, will evaluate the incident and determine what action is appropriate. Division dispositions may be:

- Counseling;
- Training;
- Written reprimand.

All written reprimands will be forwarded to the Office of the Chief of Police for review. If disciplinary action more severe than a written reprimand is indicated, the division commander will refer the incident to the Office of the Chief of Police for further investigation.



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#### **339.5 CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS (ATTACHMENT A)**

##### **339.5.1 PREAMBLE**

WHEREAS, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and

WHEREAS, the need to maintain high standards of moral character, integrity, knowledge and trust requires the establishment of a Code of Professional Conduct and Responsibility for peace officers as a matter of the highest significance to the health, welfare, and safety of the citizens of this state; and

WHEREAS, the establishment of a Code of Professional Conduct and Responsibility for Peace Officers, which includes Canon of Ethics and minimum standards, requires the granting of authority to enforce these standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore,

BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge and trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

##### **339.5.2 GENERAL STATEMENT**

Peace officers are granted public trust, which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust, and to ensure that their professional conduct is above reproach, members of the peace officer profession must not only conform to a Code of Ethics, but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation. The essence of a profession requires that, in addition to prescribing a desired level of performance, it must establish minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and Responsibility is established for the peace officer profession.

Nothing in the Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace officers or the consequence of a violation thereof.

Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned.

Nothing in this code is intended to limit the authority of an agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibility of Peace Officers.

#### **339.6 CANONS OF ETHICS**

##### **339.6.1 CANON ONE**

Peace Officers shall uphold the Constitution of the United States, the State Constitution, and all laws enacted or established pursuant to legally constituted authority.

**Standard 1.1** Peace Officers shall recognize that the primary responsibility of their profession and on and of the individual officer is the protection of the people within the

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jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and the State Constitutions and laws derived therefrom.

**Standard 1.2** Peace Officers shall be aware of the extent and limitations of their authority in the enforcement of the law.

**Standard 1.3** Peace Officers shall diligently study principles and new enactments of the laws they enforce.

**Standard 1.4** Peace Officers shall be responsible for keeping abreast of current case law as applied to their duties.

**Standard 1.5** Peace Officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

**Standard 1.6** Peace Officers shall respect and uphold the dignity, human rights, and constitutional rights of all persons.

#### **339.6.2 CANON TWO**

Peace Officers shall be aware of and shall use proper and ethical procedure in discharging their official duties and responsibilities.

**Standard 2.1** Peace Officers shall be aware of their lawful authority to use what force is reasonably necessary in securing compliance with their lawful enforcement duties.

**Standard 2.2** Peace Officers shall truthfully, completely and impartially report, testify and present evidence in all matters of an official nature.

**Standard 2.3** Peace Officers shall follow legal practices in areas such as interrogation, arrest, detention, searches, seizures, use of informants and collection and preservation of evidence.

**Standard 2.4** Peace Officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

#### **339.6.3 CANON THREE**

Peace Officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

**Standard 3.1** Peace Officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

**Standard 3.2** Peace Officer, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

**Standard 3.3** Peace Officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

**Standard 3.4** Peace Officers shall safely and efficiently use equipment and material available to them.

**Standard 3.5** Peace Officers shall be prepared to and shall respond effectively to the demands of their office.

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**Standard 3.6** Peace Officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

**Standard 3.7** Peace Officers shall not allow their personal convictions, beliefs, prejudices, or biases to interfere unreasonably with their official acts or decisions.

**Standard 3.8** Peace Officers shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them.

#### **339.6.4 CANON FOUR**

Peace Officers will so conduct their public life that they exemplify the high standards of integrity, trust and morality demanded of a member of the peace officers profession.

**Standard 4.1** Peace Officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

**Standard 4.2** Peace Officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties, and under no circumstances while in uniform.

**Standard 4.3** Peace Officers shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior prior to reporting for duty.

**Standard 4.4** Peace Officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officers profession. Officers shall not participate in any incident involving moral turpitude.

**Standard 4.5** Peace Officers shall not undertake financial obligations which they know or reasonably should know they will be unable to meet and shall pay all just debts when due.

**Standard 4.6** Peace Officers shall not engage in illegal political activities.

**Standard 4.7** Peace Officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonial or advertisements for any commodity, commercial enterprise, or commercial service which is not the product of the officer involved.

**Standard 4.8** Peace Officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

**Standard 4.9** Peace Officers shall at all times conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

**Standard 4.10** Peace Officers shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

**Standard 4.11** Peace Officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

**Standard 4.12** Peace Officers shall not engage in any strike, work obstruction, or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

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**Standard 4.13** Peace Officers shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration while acting in an official capacity.

#### **339.6.5 CANON FIVE**

Peace Officers shall recognize that our society holds the freedoms of the individual as a paramount precept which shall not be infringed upon without just, legal and necessary cause.

**Standard 5.1** Peace Officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

**Standard 5.2** Peace Officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

**Standard 5.3** Peace Officers shall not use their official position to detain an individual or restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

#### **339.6.6 CANON SIX**

Peace Officers shall assist in maintaining the integrity and competence of the peace officer profession.

**Standard 6.1** Peace Officers shall recognize that every person in our society is entitled to professional, effective and efficient law enforcement services.

**Standard 6.2** Peace Officers shall perform their duties in such a manner as to discourage double standards.

**Standard 6.3** Peace Officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

**Standard 6.4** Peace Officers shall maintain the integrity of their profession through complete disclosure of those who violate any of these rules of conduct, violate any law, or who conduct themselves in a manner which tends to discredit the profession.

**Standard 6.5** Peace Officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

**Standard 6.6** Peace Officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, law and requirements of the profession.

**Standard 6.7** Chief executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of their agency and the competency of their officers.

**Standard 6.8** Peace Officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

#### **339.6.7 CANON SEVEN**

Peace Officers shall cooperate with other officials and organizations that are using

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legal and ethical means to achieve the goals and objectives of the peace officer profession.

**Standard 7.1** Peace Officers, within legal and agency guidelines, shall share with personnel, both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals and objectives.

**Standard 7.2** Peace Officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

**Standard 7.3** Peace Officers shall, within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

#### **339.6.8 CANON EIGHT**

Peace Officers shall not compromise their integrity, or that of their agency or profession, by accepting, giving or soliciting any gratuity.

**Standard 8.1** Peace Officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonably interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate police officers from normal social practices, or to preclude gifts among friends, associates, or relatives, where appropriate.

**Standard 8.2** Peace Officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

#### **339.6.9 CANON NINE**

**Standard 9.1** Peace Officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

**Standard 9.2** Peace Officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

**Standard 9.3** Peace Officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

**Standard 9.4** Peace Officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

**Standard 9.5** Peace Officers shall treat as confidential all matters relating to investigations, internal affairs and personnel.

#### **339.7 INVESTIGATIVE PROVISIONS**

- (a) Investigative Procedures: Peace Officers under investigation for an alleged violation of any of these standards of agency disciplinary rules shall be afforded, at minimum, the rights established by law and contract to ensure fair and just treatment in the enforcement of disciplinary rules of conduct or agency rules.
- (b) Exercise of Rights: By reason of the lawful exercise of rights, officers shall not be discharged, disciplined, demoted, transferred or denied promotion or re-assignment, or discriminated against with regard to employment nor threatened with such action.

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- (c) **Criminal Investigations:** When the investigation focuses on an officer for prosecution of a criminal offense, the officer shall be afforded the same constitutional rights, privileges or guarantees enjoyed by any person. This section, however, shall not deprive the agency of the right to pursue the investigation administratively.
- (d) **Agency Appeal or Review Process:** To ensure due process, officers shall be provided with an internal administrative appeal or review process or procedure. This process shall be in addition to any external appeal process the employing agency may have established for the review of disciplinary cases.

### **339.8 ADMISSIBILITY/CONFIDENTIALITY**

- (a) **Confidentiality of Investigative Files:** To promote the complete investigation and reporting of complaints against peace officer, the City finds that the need to preserve and protect the work product of any agency outweighs the public interest in full or partial disclosure, discovery or production in any manner of an agency's investigative files pertaining to complaints against officers. Accordingly, administrative files, records, reports or other documentation may be subpoenaed in either criminal or civil proceedings only in accordance with existing law.

## Department Computer Use

### 342.1 PURPOSE AND SCOPE

This policy describes the use of department computers, software and systems.

#### 342.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, internet service, phone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

### 342.2 DEFINITIONS

The following definitions relate to terms used within this policy:

**Computer System** - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Santa Cruz Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

**Hardware** - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

**Temporary File or Permanent File or File** - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

### 342.3 SYSTEM INSPECTION OR REVIEW

An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or

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related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

#### **342.4 AGENCY PROPERTY**

All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed authorization of an employee's supervisor.

#### **342.5 UNAUTHORIZED USE OF SOFTWARE**

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malware infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the department IT specialist and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

#### **342.6 INTERNET USE**

Internet access provided by or through the Department shall be strictly limited to department-related business activities. An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **342.7 PROTECTION OF AGENCY SYSTEMS AND FILES**

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.



## Report Preparation

### 344.1 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.

#### 344.1.1 REPORT PREPARATION

It is the primary responsibility of the assigned officer to ensure that reports are fully prepared or that supervisory approval has been obtained to delay the report before going off duty. The preparing officer must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or a suspect is in custody.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the officer will be required by the supervisor to promptly correct the report. Officers who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Officers 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 repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

### 344.2 REQUIRED REPORTING

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

#### 344.2.1 CRIMINAL ACTIVITY REPORTING

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

- (a) In every instance where a felony has occurred, the documentation shall take the form of a written crime report
- (b) In every instance where a misdemeanor crime has occurred and the victim desires a report, the documentation shall take the form of a written crime report.
- (c) In every case where any force is used against any person by police personnel
- (d) All incidents involving domestic violence
- (e) All arrests

#### 344.2.2 NON-CRIMINAL ACTIVITY

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

- (a) Reported missing persons (regardless of jurisdiction)
- (b) Found property and found evidence

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- (c) All incidents involving the death of a human being (see Policy Manual § 360 Death Investigations)
- (d) Traffic collisions above minimum reporting level (see Policy Manual § 502 Traffic Accident Reporting)
- (e) It is major/serious, whereas death could result
- (f) 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.

#### **344.2.3 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.

#### **344.2.4 OTHER INCIDENTS**

- (a) The injury is major/serious, whereas death could result
- (b) 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.

#### **344.2.5 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 State Department of Health Services of the incident, including the nature of the injury, on a form provided by the state. Forms may be obtained from DHS Epidemiology and Prevention for Injury Control (EPIC) Branch, Tel: (910) 552-9849 (Penal Code § 12088.5).

#### **344.3 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.

#### **344.4 REPORT CORRECTIONS**

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor shall return the report utilizing the RMS procedure. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

#### **344.5 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 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.

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#### **344.6 COMPLETION OF REPORTS**

- (a) **Operations Division:** In custody and death investigation reports shall be completed by the end of shift. With supervisory approval, other reports may be held until the next workday, but in no case will they be held over the officer's day(s) off.
- (b) **Investigations Division:** Reports shall be completed per the Investigations Commander's direction.

## News Media Relations

### **346.1 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.

### **346.2 RESPONSIBILITIES**

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief and in situations where the Chief has given prior approval, Deputy Chiefs, Watch Commanders and supervisors may prepare and release information to the media in accordance with this policy and the applicable law. Written media releases require Watch Commander approval before release.

#### **346.2.1 MEDIA REQUEST**

Any media request for information or access to a law enforcement situation shall first be referred to the Watch Commander, or if unavailable, the first available supervisor. The Watch Commander, or supervisor, shall notify the Public Information Officer or designee. Prior to releasing any information to the media, employees shall consider the following:

- (a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
- (b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
- (c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

### **346.3 MEDIA ACCESS**

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations
  1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
  2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Watch Commander. A TFR, either for a pre-planned operation or an unplanned incident, should include specific

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information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate controlling tower. If the controlling tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

- (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
- (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

#### **346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives. This log will generally contain the following information:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

#### **346.4.1 RESTRICTED INFORMATION**

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

- (a) Confidential peace officer personnel information; (See Policy Manual § 1026)

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1. Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012);
2. Criminal history information;
3. Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation;
4. Information pertaining to pending litigation involving this Department;
5. Information obtained in confidence;
6. Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

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## Court Appearance & Subpoenas

### 348.1 PURPOSE AND SCOPE

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

### 348.2 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.

#### 348.2.1 SERVICE OF SUBPOENA

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

#### 348.2.2 VALID SUBPOENAS

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

#### 348.2.3 ACCEPTANCE OF SUBPOENA

- (a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.
- (b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

#### 348.2.4 REFUSAL OF SUBPOENA

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

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named

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employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

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

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee 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)).

#### **348.2.5 OFF-DUTY RELATED SUBPOENAS**

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Santa Cruz Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance and arrangements for time off shall be coordinated through their immediate supervisor.

#### **348.2.6 FAILURE TO APPEAR**

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

#### **348.3 CIVIL SUBPOENAS**

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

##### **348.3.1 PROCEDURE**

To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

##### **348.3.2 CIVIL SUBPOENA ACCEPTANCE**

Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

##### **348.3.3 PARTY MUST DEPOSIT FUNDS**

The party in the civil action who seeks to subpoena an officer must deposit the statutory fee of \$150 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.



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#### **348.3.4 CITY ATTORNEY**

Upon receipt of a civil subpoena, the Records Supervisor shall forward a copy to the City Attorney.

#### **348.4 OVERTIME APPEARANCES**

If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

#### **348.5 COURTROOM PROTOCOL**

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

##### **348.5.1 PREPARATION FOR TESTIMONY**

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

##### **348.5.2 COURTROOM ATTIRE**

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

#### **348.6 COURTHOUSE DECORUM**

Employees shall observe all rules of the court in which they are appearing.

#### **348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE**

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

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

- (a) Providing testimony or information for the defense in any criminal trial or proceeding;
- (b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
- (c) Providing testimony or information on behalf of or at the request of any party other than any city, or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.

## **Reserve Officers**

### **350.1 PURPOSE AND SCOPE**

The Santa Cruz Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

### **350.2 SELECTION & APPOINTMENT OF POLICE RESERVE OFFICERS**

The Santa Cruz 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.

#### **350.2.1 PROCEDURE**

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

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.

#### **350.2.2 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.

#### **350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS**

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

Reserves shall receive a yearly a bi-annual stipend allowance as set forth by City Council Resolution.

### **350.3 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 Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 20 hours per month.

#### **350.3.1 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.

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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.

#### **350.3.2 RESERVE OFFICER ASSIGNMENTS**

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

#### **350.3.3 RESERVE COORDINATOR**

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

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

#### **350.4 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 § 350.47, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

##### **350.4.1 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.

##### **350.4.2 PRIMARY TRAINING OFFICER**

Upon completion of the Academy, reserve officers will be assigned to a primary training officer. This time shall be known as the Primary Training Phase.

##### **350.4.3 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 Santa Cruz 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.

##### **350.4.4 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.

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#### **350.4.5 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.

#### **350.4.6 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.

#### **350.4.7 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.

### **350.5 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(a)(2)). 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.

#### **350.5.1 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.

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#### **350.5.2 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.

#### **350.5.3 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.

#### **350.5.4 UNIFORM**

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

#### **350.5.5 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 Operations 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.

#### **350.5.6 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. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

#### **350.6 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.

##### **350.6.1 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.

##### **350.6.2 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 Deputy Chief.

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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.

#### **350.6.3 RESERVE OFFICER FIREARM TRAINING**

All Police 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.

- (a) All Reserve Officers are required to qualify bi-annually with their duty weapon and one per year with the Department carbine rifle.
- (b) Reserve Officers may fire at the Department approved range at least once each month and more often with the approval of the Reserve Coordinator.

#### **350.7 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**

### **352.1 PURPOSE AND SCOPE**

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

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

#### **352.1.1 ASSISTING OUTSIDE AGENCIES**

Generally, calls for assistance from other agencies are routed to the Watch Commander for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Santa Cruz Police Department Personnel.

#### **352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES**

If assistance is needed from another agency, a supervisor shall make the request.

## Handcuff Policy

### **354.1 PURPOSE AND SCOPE**

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

### **354.2 HANDCUFFING POLICY**

Although recommended for most arrest situations, handcuffing is a discretionary procedure and not an absolute rule of the Department. The arresting officer should consider the circumstances leading to the arrest, the attitude of the arrested person, and the age, sex, and health of the person before handcuffing. It must be recognized that officer safety is the primary concern.

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

#### **354.2.1 IMPROPER USE OF HANDCUFFS**

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

#### **354.2.2 HANDCUFFING OF DETAINEES**

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of officers and others. Handcuffs should be removed as soon as it is determined that the detained person will not be arrested.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.



## Megan's Law

### **356.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law. (Penal Code §§ 290 and 290.4). It is the policy of this department to facilitate public access to information allowed by legislation on registered sex offenders.

### **356.2 DEPARTMENTAL DISSEMINATION OF INFORMATION**

Whenever this department determines that it is necessary to provide information to the public regarding a person required to register as a sex offender pursuant to Penal Code § 290 in order to ensure the public safety, such information may only be released by means determined by the Chief of Police to be appropriate (Penal Code § 290.45(a)(1)).

Officers shall obtain approval from a supervisor prior to the public release of any information regarding a registered sex offender. Under exigent circumstances, an officer may release the information without prior supervisory approval, however, a supervisor shall be notified of the information release as soon thereafter as is practical.

Included with all public disclosures of information about any registered sex offender will be a statement that the purpose of the release is to allow members of the public to protect themselves and their children from sex offenders (Penal Code § 290.45(a)(2)).

#### **356.2.1 LIMITATIONS ON EXTENDED RELEASE**

Individuals and entities receiving information regarding registered sex offenders may only be authorized to disclose such information to additional persons if the Department determines the appropriate scope and that such disclosure will enhance the public safety. The Department may not authorize any disclosure of such information by its placement on a non-departmental Internet Web site (Penal Code § 290.45(c)(1)).

### **356.3 RELEASE OF INFORMATION VIA THE INTERNET**

Information about a specific offender may be publicly disclosed by way of the department Internet Web site only when the Department determines that such disclosure is necessary to ensure the public safety (Penal Code § 290.46(g)).

#### **356.3.1 INFORMATION PROHIBITED FROM INTERNET RELEASE**

The following information shall not be released over the department Internet Web site (Penal Code § 290.46(a)):

- Any information identifying the victim.
- The name and address of the offender's employer.
- All criminal history of the offender, other than the specific crimes for which the person is required to register.

#### **356.3.2 INFORMATION PERMITTED FOR INTERNET RELEASE**

For those offenders listed in Penal Code § 290.46(c)(2) and (d)(2), the following information may be included on the department Internet Web site:

- (a) The offender's full name.

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- (b) The offender's known aliases.
- (c) The offender's gender.
- (d) The offender's race.
- (e) The offender's physical description.
- (f) The offender's photograph.
- (g) The offender's date of birth.
- (h) Crimes resulting in the registration of the offender under Penal Code § 290.
- (i) The community of residence and ZIP Code in which the registrant resides or the county in which the person is registered as a transient.
- (j) Any other information which the Department deems relevant, such as:
  - 1. Description of the offender's vehicle(s) or vehicle(s) the offender is known to drive (only if the offender is currently wanted for a criminal offense).
  - 2. Type of victim targeted by the offender.
  - 3. Relevant parole or probation conditions, such as prohibiting contact with children.
  - 4. Dates of crimes resulting in current classification.
  - 5. Dates of release from confinement.
  - 6. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.

For those offenders listed in Penal Code § 290.46(b)(2), the address at which the offender resides may also be included on the department Internet Web site in addition to the above.

Before releasing the address of any offender, the officer shall verify that the information it is correct.

#### **356.3.3 USE OF DISCLOSURE FORMS**

Whenever information regarding any sex offender is publicly disseminated, the officer shall complete a Megan's Law Disclosure form which shall be promptly forwarded to the Investigation Section.

The release of such information shall also be noted by entering the notification into the comment field on the offender's Supervised Release File record.

#### **356.3.4 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY**

In addition to the authority provided elsewhere within this policy, any campus police department or local agency having jurisdiction over any university, college, community college or other institution of higher learning may release the following information within the campus community regarding other registered sex offenders:

- (a) The offender's full name.
  - (b) The offender's known aliases.
  - (c) The offender's gender.
  - (d) The offender's race.
  - (e) The offender's physical description.
  - (f) The offender's photograph.
  - (g) The offender's date of birth.
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- (h) Crimes resulting in the registration of the offender under Penal Code § 290.
- (i) The date of last registration .

The release of any information pursuant to this section shall be strictly limited to that which is intended to reach persons only within the campus community. For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d)(1).

#### **356.4 PUBLIC INQUIRIES**

As a general rule information may not be given over the telephone. Members of the public may access detailed sexual offender information by way of their personal computer through the Internet at the Megan's Law Web site maintained by the Department of Justice ([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)). They may also submit a list of at least six persons directly to the Department of Justice on a designated form to inquire whether any of those persons are required to register as a sex offender and are subject to public notification ( Department of Justice fees may apply) (Penal Code § 290.4(a)).

## Major Incident Notification

### **358.1 PURPOSE AND SCOPE**

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

### **358.2 MINIMUM CRITERIA FOR NOTIFICATION**

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

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (See Policy Manual § 310.53 for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Santa Cruz official
- Arrest of Department employee or prominent Santa Cruz official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

### **358.3 WATCH COMMANDER RESPONSIBILITY**

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practical. Notification should be made by calling the home phone number first, and then by cell phone, leaving messages on both numbers.

#### **358.3.1 STAFF NOTIFICATION**

In the event an incident occurs described in Policy Manual § 358.2, the Chief of Police shall be notified along with the affected Deputy Chief and the Detective Lieutenant if that section is affected.

#### **358.3.2 DETECTIVE NOTIFICATION**

If the incident requires a detective respond from home, the on duty supervisor shall make a request for the response of the on-call detective(s).

#### **358.3.3 TRAFFIC SECTION 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.

## Death Investigation

### **360.1 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.

### **360.2 INVESTIGATION CONSIDERATIONS**

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). Officers are not authorized to pronounce death. A supervisor shall be notified in all death investigations.

#### **360.2.1 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 on all death cases. The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

#### **360.2.2 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 Deputy Coroner 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 Deputy Coroner; the investigating officer shall first obtain verbal consent from the Coroner or Deputy Coroner.

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. The name and address of this person shall be included in the narrative of the death report.

#### **360.2.3 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented on the appropriate form.

#### **360.2.4 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.

## Identity Theft

### **362.1 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.

### **362.2 REPORTING**

- (a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department. 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 our 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 the victim of identity theft of his/her right to obtain court ordered access to the Department of Justice identity theft database pursuant to Penal Code § 530.7.

## Private Persons Arrests

### **364.1 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.

### **364.2 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.

### **364.3 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.

### **364.4 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.
  - 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

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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



# Anti-Reproductive Rights Crimes Reporting

## **366.1 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.).

## **366.2 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

## **366.3 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 Police Records Manager.
- (c) By the tenth day of each month, it shall be the responsibility of the Police Records Manager 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.
  2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

## **Mandatory School Employee Reporting**

### **372.1 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.

### **372.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING**

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

#### **372.2.1 ARREST OF PUBLIC SCHOOL TEACHER**

Upon arrest for one of the above sections, the Chief of Police or his/her designee is mandated to immediately notify by telephone the 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.

#### **372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE**

Upon arrest for one of the above sections, 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.

#### **372.2.3 ARREST OF PRIVATE SCHOOL TEACHER**

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

#### **372.2.4 PROCEDURE**

When an arrest is made, the officer making the arrest shall notify their immediate supervisor. The supervisor will ensure notification is made to the office of the Chief of Police through the chain-of-command.

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**Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol to ensure intra-department cooperation and information sharing.

#### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles, patrol assigned geographical areas within the City of Santa Cruz, respond to citizen calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

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

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

### 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various sections of the Santa Cruz Police Department.

#### 400.2.1 CRIME REPORTS

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

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## Racial/Bias Based Profiling

### 402.1 PURPOSE AND SCOPE

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

### 402.2 DEFINITION

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

### 402.3 POLICY

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

- (a) It is the responsibility of every member of this department to prevent, report, and respond appropriately to clear discriminatory or biased practices.
- (b) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.
  1. To the extent that written documentation would otherwise be completed (e.g., arrest report, F.I. card, etc.), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.
  2. Nothing in this policy shall require any officer to prepare documentation of a contact that would not otherwise involve such reporting.
  3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

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

### 402.3.1 PROCEDURE

The recording of the demographic data shall be by in-car computer system. If it is not practical or the system is not available, radio codes as listed in the Incident Disposition Codes shall be used.

### 402.4 TRAINING

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

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### *Racial/Bias Based Profiling*

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- (b) Pending participation in such POST approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.
- (c) Each member of this department undergoing initial POST approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary in order to keep current with changing racial and cultural trends (Penal Code §13519.4(i)).

#### **402.5 ADMINISTRATION**

Each January, the Operations Division Commander shall review the Department's effort to prevent racial/bias based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.

## Roll Call Training

### **404.1 PURPOSE AND SCOPE**

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

- (a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations
- (b) Notifying officers of changes in schedules and assignments
- (c) Notifying officers of new 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 Training 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.

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## Crime & Disaster Scene Integrity

### 406.1 PURPOSE AND SCOPE

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

### 406.2 CRIME SCENE RESPONSIBILITY

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

#### 406.2.1 FIRST RESPONDER CONSIDERATIONS

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

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

#### 406.2.2 MEDIA ACCESS

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

- (a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public;
  - (b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
    1. In situations where media access would reasonably appear to interfere with emergency operations and/or a criminal investigation, every reasonable effort should be made to provide media representatives with access to a command post at the nearest location that will not interfere with such activities.
  - (c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).
  - (d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.
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### *Crime & Disaster Scene Integrity*

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

#### **406.2.3 EXECUTION OF HEALTH ORDERS**

Any sworn member of this Department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code § 100106).

#### **406.2.4 TEMPORARY FLIGHT RESTRICTIONS**

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

#### **406.3 SEARCHES AT CRIME OR DISASTER SCENES**

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

##### **406.3.1 CONSENT**

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

## **Emergency Services Unit**

### **408.1 PURPOSE AND SCOPE**

The Emergency Services Unit is comprised of three specialized teams: the Negotiation Team, the Dive Team, and the Tactical Team. The unit has been established to provide specialized support in handling critical field operations where negotiations, dive/rescue/recovery, and special tactical deployment methods are required.

#### **408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY**

The Policy Manual sections pertaining to the Crisis Response Unit 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.

### **408.2 COMMAND OF THE EMERGENCY SERVICES UNIT**

The Captain is the Commander of the E.S.U.

#### **408.2.1 TEAM MANAGERS**

Each specialized team shall be managed by a Lieutenant assigned by the Deputy Chief of Operations. The Team Manager shall be responsible to coordinate all aspects of the team, including deployment, acquisition of equipment, and training. There may be one or more Team Supervisors assigned to a team. The decision to assign a Team Supervisor shall rest with the Deputy Chief of Operations.

#### **408.2.2 TEAM ASSIGNMENTS**

The Emergency Services Unit is a voluntary assignment in nature. Personnel who are selected are not guaranteed a length of assignment and may be rotated out of the unit by the Deputy Chief of Operations. These rotations are normal and not disciplinary or subject to the grievance process.

### **408.3 NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES**

The Negotiation Team has been established to provide skilled verbal communicators to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, and/or exhibit suicidal tendencies. The following procedures serve as directives for the administrative operation of the Negotiation Team.

#### **408.3.1 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;

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- (b) Demonstrated good judgment and understanding of the critical role of a negotiator and the negotiation process;
- (c) Effective communication skills to ensure success as a negotiator;
- (d) Skills, training, and education as it pertains to the assignment;
- (e) Willingness to work unusual working hours and attend required training.

The results of the oral panel interview will be forwarded to the Deputy Chief of Operations. The Deputy Chief will make a selection for assignment to the team after consultation with the Chief of Police.

#### **408.3.2 TRAINING OF NEGOTIATORS**

Personnel selected as members of the Negotiation Team shall attend and pass a department-selected P.O.S.T. approved Basic Negotiators course prior to becoming an active member of the team. Additional training will be coordinated by the Team Manager. A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of personnel off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, they will be rotated off of the team.

#### **408.4 TACTICAL TEAM ADMINISTRATIVE PROCEDURES**

The Tactical Team has been established to provide a skilled and trained team to be deployed during events requiring specialized tactics and equipment. The following procedures serve as directives for the administrative operation of the Tactical Team.

##### **408.4.1 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a physical agility test (attachment A). The test is designed to determine the physical capabilities of the applicant as it relates to performance of tactical team duties. The test is pass/fail. Those successful in the physical agility test shall be scheduled for E.S.U. Firearms Qualification Course (attachment B). Those successful in the E.S.U. Firearms Qualification Course will be scheduled for an oral panel interview. Members of the oral panel will be designated by the Deputy Chief of Operations. The panel will evaluate personnel in the following areas:

- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (b) Demonstrated good judgment and understanding of the critical role of a tactical team member;
- (c) Skills, training, and education as it pertains to the assignment;
- (d) Willingness to work unusual working hours and attend required training.

The results of the oral panel interview will be forwarded to the Deputy Chief of Operations who will make the final selection for assignment to the team after consultation with the Chief of Police.

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#### **408.4.2 TRAINING OF TACTICAL TEAM MEMBERS**

Personnel selected as members of the Tactical Team shall attend and pass a department-selected P.O.S.T. approved 80-hour Basic Special Weapons and Tactics type course prior to becoming an active member of the team. Additional training will be coordinated by the Team Manager. Team members are required to participate in team training. Any team member who fails to attend training, will be placed on inactive status until completing the next scheduled team training day addressing that particular training module. If the team member fails to complete the next scheduled training day, they will be rotated off of the team.

Officers and Sergeants assigned to the Team must pass the physical agility test on an annual basis and E.S.U. firearms qualification courses on a quarterly basis. The Team Manager will schedule these tests. If the team member fails to pass these tests, they will immediately be placed on inactive status. The Team Manager will schedule another test 30 days later. If the team member does not pass the test, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of personnel off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

#### **408.5 DIVE TEAM ADMINISTRATIVE PROCEDURES**

The Dive Team has been established to provide a skilled and trained team to be deployed in a marine environment for purposes of arrest, rescue, recovery, and general support of the law enforcement mission. The following procedures serve as directives for the administrative operation of the Dive Team.

##### **408.5.1 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation and possess a valid N.A.U.I. or P.A.D.I. dive certification, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a check-out dive by the dive team commander (attachment C). The check-out dive is designed to determine the physical capabilities of the applicant as it relates to performance of dive team duties. The check-out dive is pass/fail. Applicants will then be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (b) Demonstrated good judgment and understanding of the critical role of a dive team member;
- (c) Skills, training, and education as it pertains to the assignment;
- (d) Willingness to work unusual working hours and attend required training.

The oral panel shall submit a list of successful candidates to the Deputy Chief of Operations. The Deputy Chief of Operations will make the final selection for assignment to the team after consultation with the Chief of Police.

##### **408.5.2 TRAINING OF DIVE TEAM MEMBERS**

Personnel selected as members of the dive team shall be placed on active status. Team members are required to participate in a minimum of twelve team training dives annually

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as scheduled by the Team Manager. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, they will be rotated off of the team. Team members must pass the check-out dive on an annual basis. The Team Manager will schedule the check-out dive. If the team member fails to pass the check-out dive, they will immediately be placed on inactive status. The Team Manager will schedule another check-out dive 30 days later. If the team member does not pass the check-out dive, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of personnel off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

#### **408.6 OPERATIONAL GUIDELINES FOR THE EMERGENCY**

The following procedures serve as guidelines for the operational deployment of the Emergency Services Unit. Generally, the Negotiations Team and the Tactical Team will be activated together however, it is recognized that the Tactical Team may be used in a situation not requiring the physical presence of the Negotiation Team such as warrant service operations. The Tactical Team Manager shall make this determination.

##### **408.6.1 APPROPRIATE SITUATIONS FOR USE**

The following are incidents that may indicate the need for activation of the E.S.U.:

- (a) Barricaded suspects who refuse to surrender
- (b) Hostage taking incidents
- (c) Subjects threatening suicide
- (d) High risk arrests/warrant service
- (e) Recovery/Rescue operations in marine environments
- (f) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

##### **408.6.2 MOBILIZATION OF EMERGENCY SERVICES UNIT**

The on-scene supervisor shall assess the incident and contact the Watch Commander. The Watch Commander has the authority to activate any and all teams of the E.S.U. The Watch Commander shall contact the Team Manager(s) and advise them of the circumstances of the incident. Team member call out lists shall be maintained in the Patrol Sergeant's Office, the Watch Commander's Office, the Records Section, and NETCOM personnel may be utilized to complete the call-out of team members.

##### **408.6.3 FIELD UNIT RESPONSIBILITIES**

While waiting for the Emergency Services Unit, field personnel should, if safe and practical:

- (a) Establish an inner and outer perimeter;
- (b) Establish a command post outside of the inner perimeter;
- (c) Evacuate any injured persons in a dangerous area;
- (d) Plan for, and stage, additional resources.

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#### **408.6.4 ON-SCENE COMMAND RESPONSIBILITIES**

When the Emergency Services Unit arrives, the Incident Commander (highest ranking department member on-scene) shall brief the Team Manager(s). The Incident Commander has the final authority when deploying E.S.U. teams, however, the Team Manager has direct authority over their individual team. As a result of their immediate patrol assignment, the Incident Commander (Lieutenant) may also be an E.S.U. Team Manager. If this occurs, the Team Manager will assign a team member to take charge of team operations subject to manager approval pending the arrival of another Lieutenant or Deputy Chief.

#### **408.6.5 OUTSIDE AGENCY REQUESTS**

Authorization for the use of E.S.U. by outside agencies must be obtained from a Deputy Chief. A Lieutenant or Deputy Chief will accompany the E.S.U. to the requesting agency's command post and remain present while E.S.U. is deployed.

#### **408.7 ATTACHMENT A** **PHYSICAL AGILITY TEST**

- (a) Scale a 6 foot wall (wearing additional equipment consisting of a ballistic helmet and vest). The candidate shall have one minute to perform the test.
- (b) Participate (wearing additional equipment consisting of a ballistic helmet and vest) will lay face-down on the ground. At the signal, the participant will jump to their feet, grab a Colt M4, and run 40 yards. The candidate shall have 7.7 seconds to complete the test.
- (c) Participant will run a total of 800 meters. At the 200 meter line, the participant will encounter 9 cones placed 5 yards wide and 5 yards deep in a serpentine pattern. The participant will continue running in the serpentine pattern at the 400 meter line, will encounter a 165 lb. dummy which must be dragged 10 yards. The participant will continue running to the 600 meter line (back at the cones) and "stop and drop" at each of the cones. The participant's body must be entirely prone at each stop and drop. The participant will run to the finish line. The candidate shall have 4 minutes 45 seconds to complete the test.

#### **408.7.1 ATTACHMENT B** **E.S.U. Basic Qualification Course**

##### **Handgun**

##### **25 Yard Line:**

From a barricaded position, fire 4 rounds strong hand and 4 rounds weak hand in 30 seconds, standing. Fire 4 rounds kneeling and 4 rounds prone in 30 seconds.

##### **15 Yard Line:**

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

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#### **7 Yard Line:**

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

Fire 3 rounds in 3 seconds, standing.

#### **5 Yard Line:**

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

#### **3 Yard Line:**

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

Fire 3 rounds in 2 seconds, standing.

70 Rounds total.

90% passing=63 hits.

#### **E.S.U. Basic Qualification Course**

##### **Carbine**

#### **25 Yard Line:**

Prone position, 3 rounds in 15 seconds.

Prone position, 3 rounds in 15 seconds.

Prone position, 2 rounds center mass and 2 rounds to the head in 15 seconds.

Sitting position, 2 rounds center mass and 2 rounds to the head in 15 seconds.

Kneeling position, 2 rounds center mass and 2 rounds to the head in 15 seconds.

#### **15 Yard Line:**

Kneeling position, 2 rounds center mass and 1 round to the head in 8 seconds.

Kneeling position, 2 rounds center mass and 1 round to the head in 8 seconds.

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#### **10 Yard Line:**

Standing low ready, 2 rounds in 2 seconds.

Standing low ready, 2 rounds in 2 seconds.

Standing low ready, 2 rounds in 2 seconds.

#### **5 Yard Line:**

Load two AR magazines with 5 rounds in each magazine.

Standing position, 5 rounds center mass, then transition to handgun and fire 2 rounds.

Standing position, 5 rounds center mass, then transition to handgun and fire 2 rounds.

40 rounds total. Handgun rounds are not counted.

90% passing=36 hits.

#### **408.7.2 ATTACHMENT C**

##### **Scuba Diving/Swim Skills Test**

- (a) Swim 25 yards underwater continuously.
- (b) Swim 250 meters unassisted freestyle.
- (c) Tread water for a period of 10 minutes unassisted.
- (d) At a depth of 20 feet or more, flood mask and purge mask.
- (e) At a depth of 20 feet or more, completely remove and replace mask then purge mask.
- (f) At a depth of 20 feet or more, remove regulator while continuously blowing bubbles. Recover regulator by pushing up the tank from the bottom and reaching the regulator hose from the rear. Purge regulator and re-insert regulator.
- (g) Repeat the above exercise by using the arm sweep motion to recover the regulator, purge regulator, and re-insert regulator.
- (h) At a depth of 20 feet or more, remove BC and fins. While underwater put gear back on.
- (i) Demonstrate buoyancy control.
- (j) Demonstrate proficiency in a 50 yard kelp swim in full gear.



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## **Emergency Services Unit Dive Team/Testing**

### **409.1 PURPOSE AND SCOPE**

The Dive Team has been established to provide a skilled and trained team to be deployed in a marine environment for purposes of arrest, rescue, recovery, and general support of the law enforcement mission. The following procedures serve as directives for the administrative operation of the Dive Team.

#### **409.1.1 SELECTION OF PERSONNEL**

During an established filing period, interested sworn personnel who are off probation and possess a valid N.A.U.I. or P.A.D.I. dive certification, shall submit a written request to the Deputy Chief of Operations requesting consideration for appointment to the team. Applicants will be scheduled for a check-out dive by the dive team commander. The check-out dive is designed to determine the physical capabilities of the applicant as it relates to performance of dive team duties. The check-out dive is pass/fail. Applicants will then be interviewed by an oral panel designated by the Deputy Chief of Operations. Interested personnel shall be evaluated by the following criteria:

- (a) Work history as evidenced by past job performance including a review of the personnel file;
- (b) Demonstrated good judgment and understanding of the critical role of a dive team member;
- (c) Skills, training, and education as it pertains to the assignment;
- (d) Willingness to work unusual working hours and attend required training.

The oral panel shall submit a list of successful candidates to the Deputy Chief of Operations. The Deputy Chief of Operations will make the final selection for assignment to the team after consultation with the Chief of Police.

#### **409.1.2 TRAINING OF DIVE TEAM MEMBERS**

Personnel selected as members of the dive team shall be placed on active status. Team members are required to participate in a minimum of twelve team training dives annually as scheduled by the Team Manager. Any team member who fails to attend training will be placed on inactive status until completing the next scheduled team training day. If the team member fails to complete the next scheduled training day, they will be rotated off of the team. Team members must pass the check-out dive on an annual basis. The Team Manager will schedule the check-out dive. If the team member fails to pass the check-out dive, they will be immediately placed on inactive status. The Team Manager will schedule another check-out dive 30 days later. If the team member does not pass the check-out dive, they will be rotated off of the team. Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team/unit shall be conducted by the Team Manager. The Team Manager may recommend rotation of person off of the team at any time to the Deputy Chief of Operations. The Deputy Chief of Operations maintains the authority for rotation of team members.

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### *Emergency Services Unit Dive Team/Testing*

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#### **409.2 EMERGENCY SERVICES UNIT TESTING**

##### **409.2.1 PHYSICAL AGILITY TEST**

- (a) Scale a 6 foot wall (wearing additional equipment consisting of a ballistic helmet and vest). The candidate shall have one minute to perform the test.
- (b) Participate (wearing additional equipment consisting of a ballistic helmet and vest) will lay face-down on the ground. At the signal, the participant will jump to their feet, grab a Colt M4, and run 40 yards. The candidate shall have 7.7 seconds to complete the test.
- (c) Participant will run a total of 800 meters. At the 200 meter line, the participant will encounter 9 cones placed 5 yards wide and 5 yards deep in a serpentine pattern. The participant will continue running in the serpentine pattern at the 400 meter line, will encounter a 165 lb. dummy which must be dragged 10 yards. The participant will continue running to the 600 meter line (back at the cones) and "stop and drop" at each of the cones. The participant's body must be entirely prone at each stop and drop. The participant will run to the finish line. The candidate shall have 4 minutes 45 seconds to complete the test.

##### **409.2.2 E.S.U. BASIC QUALIFICATION COURSE-HANDGUN**

- (a) **25 Yard Line:** From a barricaded position, fire 4 rounds strong hand and 4 rounds weak hand in 30 seconds, standing.
  1. Fire 4 rounds kneeling and 4 rounds prone in 30 seconds.
- (b) **15 Yard Line:**
  1. Fire 3 rounds in 3 seconds, standing.
  2. Fire 3 rounds in 3 seconds, standing.
  3. Fire 3 rounds in 3 seconds, standing.
  4. Fire 3 rounds in 3 seconds, standing.
  5. Fire 3 rounds in 3 seconds, standing.
- (c) **7 Yard Line:**
  1. Fire 3 rounds in 3 seconds, standing.
  2. Fire 3 rounds in 3 seconds, standing.
  3. Fire 3 rounds in 3 seconds, standing.
  4. Fire 3 rounds in 3 seconds, standing.
  5. Fire 3 rounds in 3 seconds, standing.
- (d) **5 Yard Line:**
  1. Fire 3 rounds in 2 seconds, standing.
  2. Fire 3 rounds in 2 seconds, standing.
  3. Fire 3 rounds in 2 seconds, standing.
  4. Fire 3 rounds in 2 seconds, standing.
- (e) **3 Yard Line:**
  1. Fire 3 rounds in 2 seconds, standing.
  2. Fire 3 rounds in 2 seconds, standing.

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3. Fire 3 rounds in 2 seconds, standing.
4. Fire 3 rounds in 2 seconds, standing.

70 Rounds total. 90% passing=63 hits.

#### **409.2.3 E.S.U. BASIC QUALIFICATION COURSE-CARBINE**

(a) **25 Yard Line:**

1. Prone position, 3 rounds in 15 seconds.
2. Prone position, 3 rounds in 15 seconds.
3. Prone position, 2 rounds center mass and 2 rounds to the head in 15 seconds.
4. Sitting position, 2 rounds center mass and 2 rounds to the head in 15 seconds.
5. Kneeling position, 2 rounds center mass and 2 rounds to the head in 15 seconds.

(b) **15 Yard Line:**

1. Kneeling position, 2 rounds center mass and 1 round to the head in 8 seconds.
2. Kneeling position, 2 rounds center mass and 1 round to the head in 8 seconds.

(c) **10 Yard Line:**

1. Standing low ready, 2 rounds in 2 seconds.
2. Standing low ready, 2 rounds in 2 seconds.
3. Standing low ready, 2 rounds in 2 seconds.

(d) **5 Yard Line:**

1. Load two AR magazines with 5 rounds in each magazine.
2. Standing position, 5 rounds center mass, then transition to handgun and fire 2 rounds.
3. Standing position, 5 rounds center mass, then transition to handgun and fire 2 rounds

40 rounds total. Handgun rounds are not counted. 90% passing=36 hits.

#### **409.2.4 SCUBA DIVING/SWIM SKILLS TEST**

- (a) Swim 25 yards underwater continuously.
- (b) Swim 250 meters unassisted freestyle.
- (c) Tread water for a period of 10 minutes unassisted.
- (d) At a depth of 20 feet or more, flood mask and purge mask.
- (e) At a depth of 20 feet or more, completely remove and replace mask then purge mask.
- (f) At a depth of 20 feet or more, remove regulator while continuously blowing bubbles. Recover regulator by pushing up the tank from the bottom and reaching the regulator hose from the rear. Purge regulator and re-insert regulator.
- (g) Repeat the above exercise by using the arm sweep motion to recover the regulator, purge regulator, and re-insert regulator.
- (h) At a depth of 20 feet or more, remove BC and fins. While underwater put gear back on.
- (i) Demonstrate buoyancy control.

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### *Emergency Services Unit Dive Team/Testing*

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- (j) Demonstrate proficiency in a 50 yard kelp swim in full gear.

## Ride-Along Policy

### **410.1 PURPOSE AND SCOPE**

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

#### **410.1.1 ELIGIBILITY**

The Santa Cruz Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 14 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 established by the Operations Division.

### **410.2 PROCEDURE TO REQUEST A RIDE-ALONG**

Generally, ride-along requests will be scheduled by the Operations Division Administrative Assistant. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Operations Division Administrative Assistant will schedule a date, based on availability, at least one week after the date of application. The completed waiver will be routed to the appropriate field supervisor. When the ride-along is completed, the completed waiver will be re-routed to the Operations Division Administrative Assistant.

If the ride-along is denied after the request has been made, a Watch Commander 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 once every twelve months. An exception would be police applicants, and others, with approval of the Watch Commander.

The length of the ride-along may be determined by the shift supervisor. A minimum of two hours and a maximum of six hours is suggested.

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### *Ride-Along Policy*

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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.

#### **410.2.2 SUITABLE ATTIRE**

Any person approved to ride along is required to be suitably dressed. The Watch Commander or field supervisor may refuse a ride-along to anyone not properly dressed.

#### **410.2.3 RIDE-ALONG CRIMINAL HISTORY CHECK**

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Santa Cruz Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.D.3.)

#### **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, 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.

#### **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. The ride-along will not touch or attempt to operate any vehicle or communications equipment without explicit authorization from the officer.
- (c) The ride-along may terminate the ride at any time and the officer may return the observer to the station if the ride-along interferes with the performance of the officer's duties
- (d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety
- (e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen
- (f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

## **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 type of hazardous substance without placing your safety in jeopardy. (Identification can be determined by placard, driver's manifest or statements from person transporting)
- (b) Notify Fire Department
- (c) Provide first-aid for injured parties if it can be done safely and without contamination
- (d) Begin evacuation of immediate area and surrounding areas dependent on substance. Voluntary evacuation should be considered; however depending on the substance, mandatory evacuation may be necessary

#### **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.

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.

#### **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.

## Hostages & Barricaded Suspects

### 414.1 PURPOSE AND SCOPE

Hostage situations and barricaded suspects present unique problems for agencies. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

#### 414.1.1 DEFINITIONS

**Hostage** - A person held by one party in a conflict as security so that specified terms will be met by the opposing party.

**Barricaded Suspect** - A person who takes a position of cover or concealment or maintains a position in a structure and who resists capture by law enforcement personnel. A barricaded suspect may be armed or suspected of being armed.

### 414.2 HOSTAGE NEGOTIATIONS

Promises of immunity or leniency and payment of ransom demands are rarely effective and will generally not be offered to barricaded suspects. Trained hostage negotiators, however, will be permitted to exercise flexibility in each situation based upon the circumstances presented and consistent with their training.

Personnel involved in barricaded/hostage situations are urged to exercise patience and extreme caution. The use of deadly force against any armed suspect will be governed by Policy Manual § 300, with particular regard directed toward the safety of hostages.

### 414.3 FIRST RESPONDER RESPONSIBILITY

Until the Incident Commander has been designated, the first officer on the scene of an actual or potential hostage/barricade situation shall consider the following:

- (a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of trained personnel and/or trained hostage negotiation personnel
- (b) Notification of tactical and hostage negotiation personnel
- (c) Notification of appropriate Supervisor
- (d) Establishment of inner and outer perimeters
- (e) Evacuation of bystanders and injured persons
- (f) Establishment of central command post and appropriate chain of command
- (g) Request for ambulance, rescue, fire and surveillance equipment
- (h) Authorization for news media access and news media policy
- (i) Pursuit/surveillance vehicles and control of travel routes



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## Response to Bomb Calls

### **416.1 PURPOSE AND SCOPE**

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

### **416.2 FOUND EXPLOSIVES/SUSPECT DEVICES**

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging
- (b) Secure the perimeter for a minimum of three hundred feet allowing for an entrance for support personnel
- (c) Relay as much initial information as possible to the Watch Commander without touching the device, including:
  1. The stated threat
  2. How made
  3. Exact comments
  4. Time
  5. Location
  6. Full description (e.g., size, shape, markings) of the device in question
- (d) Do not touch or transport the device to any other location
- (e) Do not transmit on any equipment that produces radio frequency energy.
- (f) Consideration should be given to the possibility for evacuation if a device is located within a building
- (g) Secure a perimeter around the suspected device
- (h) Consideration for support personnel such as paramedics and Fire Department personnel
- (i) A search of the area should be conducted for secondary devices or other objects foreign to the area
- (j) Found explosive or military ordnance of any type should be handled only by the Bomb Squad
- (k) When in doubt, call for assistance from the Sheriff's Department Bomb Squad

### **416.3 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the patrol officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, further damage by resulting fires or unstable structures, etc.

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### *Response to Bomb Calls*

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Whether the explosion was the result of an accident or a criminal act, the following concerns may confront you:

- Injury to victims
- First aid (primary Fire Department responsibility)
- Evacuation of victims (primary Fire Department responsibility)

#### **416.3.1 NOTIFICATIONS**

When an explosion has occurred, the following people shall be notified as soon as practical:

- (a) Fire Department
- (b) Bomb Squad
- (c) Additional field officers
- (d) Field supervisor
- (e) Watch Commander
- (f) Detectives
- (g) ATF&E

#### **416.3.2 CROWD CONTROL**

No one should be allowed free access to the scene unless they have a legitimate and authorized reason for being there.

#### **416.3.3 SCENE OF INCIDENT**

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could be extended for several hundred feet. Evidence may be imbedded in nearby structures or hanging in trees and bushes, etc.

A search of the area should be conducted for other objects foreign to the area such as a secondary device. If an item is found, it should not be touched. The item should be secured and the officer should wait for the arrival of the Sheriff's Department Bomb Squad.

#### **416.4 BOMB THREATS RECEIVED AT POLICE FACILITY**

This procedure shall be followed should a bomb threat call be received at the police facility and a search made for a destructive device.

##### **416.4.1 BOMB THREATS RECEIVED BY TELEPHONE**

The following questions shall be asked if a call of a bomb is received at the Police Department:

- When is the bomb going to explode?
- Where is the bomb right now?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

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### *Response to Bomb Calls*

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During this time, record the following:

- Time of the call
- Exact words of the person as accurately as possible
- Age and sex
- Speech patterns and/or accents
- Background noises

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is retrieved as evidence.

#### **416.4.2 RESPONSIBILITIES**

As soon as a bomb threat has been received, the Watch Commander will be advised and fully informed of the details.

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## Mental Illness Commitments

### 418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

### 418.2 AUTHORITY

Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

### 418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected or actual mentally disabled individual or "5150" commitment should carefully consider the following:

- (a) Any available information which might assist in determining the cause and nature of the mental illness or developmental disabilities
- (b) Conflict resolution and de-escalation techniques for potentially dangerous situations involving mentally disabled persons
- (c) Appropriate language usage when interacting with mentally disabled persons;
- (d) If circumstances permit, alternatives to lethal force when interacting with potentially dangerous mentally disabled persons
- (e) Community resources which may be readily available to assist with the mentally disabled individual(s)

#### 418.3.1 TRANSPORTATION

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those that are medically unstable may be restrained and transported by ambulance and ambulance personnel. The officer will escort the patient into the facility and place that person in a designated treatment room as directed by a staff member. As soon as a security staff member becomes available, he/she should relieve the officer and physically remain in the treatment room with the patient.

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#### **418.3.2 RESTRAINTS**

If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

#### **418.3.3 MENTAL HEALTH DOCUMENTATION**

The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

#### **418.3.4 SECURING OF WEAPONS**

If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

#### **418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME**

When practical, any person charged with a crime who also appears to be mentally ill shall be booked at the Santa Cruz Police Department before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

#### **418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS**

Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150 and is found to own, have in his or her possession or under his or her control, any firearm whatsoever or any other deadly weapon, the firearm or other deadly weapon shall be confiscated by the handling officer. The firearm or other deadly weapon shall be booked into evidence until further processing.

The handling officer shall further advise the person of the below described procedure for the return of any firearm or other deadly weapon which has been confiscated (Welfare and Institutions Code § 8102(a)). For purposes of this section deadly weapon means any weapon that the possession of or carrying while concealed is prohibited by Penal Code § 12020.

##### **418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS**

- (a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigation Section which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.
- (b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire

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### *Mental Illness Commitments*

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for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

- (c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.
- (d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).
- (e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

#### **418.6 TRAINING**

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.

## Cite & Release Policy

### 420.1 PURPOSE AND SCOPE

Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

### 420.2 STATUTORY REQUIREMENTS

Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

- (a) A field release is when the violator is released in the field without being transported to a jail facility.
- (b) A jail release is when a violator is released after being transported to the jail and booked.

#### 420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the 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.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal warnings to resolve minor traffic and criminal violations when appropriate.

### 420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with this law.

#### 420.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations to all persons 18-years of age or older. Officers may also release subjects who were taken into custody on a private person's arrest for a misdemeanor offense, whenever appropriate.

#### 420.3.2 DISQUALIFYING CIRCUMSTANCES

Penal Code § 853.6(i) specifies that a person arrested for a misdemeanor shall be released on a notice to appear unless one of following situations is present:

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- (a) The person arrested is so intoxicated that he/she could be a danger to himself/herself or to others. Release may occur as soon as this condition no longer exists.
- (b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
  1. An arrestee shall not be released from custody for the sole purpose of allowing that person to obtain medical care with the intention of immediately re-arresting the same individual upon discharge from the hospital unless it can be determined that the hospital can bill and collect from a third-party payment source (Penal Code § 4011.10).
- (c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303, and 40305.
  1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a ten day notice to appear or be taken without delay before a magistrate in the county of arrest.
  2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger) however such print may not be used for other than law enforcement purposes.
  3. Should any person arrested on a notice to appear claim under penalty of perjury not to be the person listed in the notice, such person may request that his/her thumbprint be taken for comparison at a fee not to exceed the actual cost of such service.
- (d) There are one or more outstanding arrest warrants for the person.
- (e) The person could not provide satisfactory evidence of personal identification.
- (f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
- (g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
- (h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
- (i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted in the narrative of the police report.

#### **420.3.3 INSTRUCTIONS TO CITED PERSON**

The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

#### **420.4 CITATION RELEASE ON MISDEMEANOR WARRANTS**

Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

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- (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 himself or herself or others due to intoxication or being under the influence of drugs or narcotics
- (f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
- (g) The person has other ineligible charges pending against him/her
- (h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
- (i) The person refuses to sign the notice to appear
- (j) The person cannot provide satisfactory evidence of personal identification
- (k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

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# Arrest or Detention of Foreign Nationals

## 422.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State [website](#).

### 422.1.1 DEFINITIONS

**Foreign National** - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official "missions" (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

## 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

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### *Arrest or Detention of Foreign Nationals*

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#### **422.3.2 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. This official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

#### **422.3.3 HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

#### **422.4 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the Governor's Office of Emergency Services (OES), Law Enforcement Division.

#### **422.4.1 VEHICLE REGISTRATION**

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an "honorary consul" label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state, if the officer has reason to question the legitimate possession of the license plate.

#### **422.5 ENFORCEMENT PROCEDURES**

The following procedures provide a guideline for handling enforcement of foreign nationals:

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#### **422.5.1 CITABLE OFFENSES**

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

- (a) Identification documents are to be requested of the claimant
- (b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
- (c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
- (d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word "Refused" shall be entered in the signature box, and the violator shall be released
- (e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
- (f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
- (g) The violator shall be provided with the appropriate copy of the notice to appear

#### **422.5.2 IN-CUSTODY ARRESTS**

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

- (a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered). The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.
- (b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

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Office of Foreign Missions San Francisco, CA (415) 744-2910, Ext. 22 or 23 (415) 744-2913 FAX (0800-1700 PST) Office of Foreign Missions Diplomatic Motor Vehicle Office Washington D.C. (202) 895-3521 (Driver License Verification) or (202) 895-3532 (Registration Verification) (202) 895-3533 FAX (0815-1700 EST)	Office of the Foreign Missions Los Angeles, CA (310) 235-6292, Ext. 121 or 122 (310) 235-6297 FAX (0800-1700 PST) Department of State Diplomatic Security Service Command Center Washington D.C. (202) 647-7277 (202) 647-1512 (Available 24 hours) (202) 647-0122 FAX
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Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Office of Emergency Services, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

#### **422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have "D" coded in the license "class" box

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of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

#### **422.6.1 VEHICLES**

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

#### **422.6.2 REPORTS**

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

#### **422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY**

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

- (a) There is a valid warrant issued for the person's arrest
- (b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
- (c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the

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### *Arrest or Detention of Foreign Nationals*

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individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

#### **422.7.1 ARREST PROCEDURE**

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention.

If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname if used;
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), officers shall provide the Communications Center with the information above, as soon as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State [website](#).

Officers should attempt to provide the Communications Center with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

#### **422.7.2 DOCUMENTATION**

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.

## **Reporting Police Activity Outside of Jurisdiction**

### **426.1 PURPOSE AND SCOPE**

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Santa Cruz Police Department.

#### **426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY**

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander.

#### **426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY**

Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of Santa Cruz shall notify his or her supervisor or the on-duty Watch Commander at the earliest possible opportunity. Any off duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the on duty Watch Commander immediately. The on-duty supervisor will notify the on-duty Watch Commander immediately.



## Immigration Violations

### **428.1 PURPOSE AND SCOPE**

The immigration status of individuals alone is not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of alien status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

### **428.2 DEPARTMENT POLICY**

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, U.S. Code dealing with illegal entry, etc.

### **428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS**

Persons wishing to report immigration violations should be referred to the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of the ICE has primary jurisdiction for enforcement of Title 8, U.S. Code.

#### **428.3.1 BASIS FOR CONTACT**

The fact that an individual is suspected of being an undocumented alien alone shall not be the basis for contact, detention, or arrest.

#### **428.3.2 ICE REQUEST FOR ASSISTANCE**

If a specific request is made by the ICE or any other federal agency, this Department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

#### **428.3.3 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT**

In accordance with Health and Safety Code § 11369, when there is reason to believe that any person arrested for violation of Health and Safety Code §§ 11350, 11351, 11351.5, 11352, 11353, 11355, 11357, 11359, 11360, 11361, 11363, 11366, 11368 or 11550, may not be a citizen of the United States, the arresting officer shall notify ICE.

#### **428.3.4 DETERMINATION OF IMMIGRANT STATUS**

Determination of immigration status is primarily the jurisdiction of the U.S. Immigration and Customs Enforcement.

### **428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE**

The Santa Cruz Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any subject. Race, gender, religion, sexual orientation, age, occupation or other arbitrary aspects are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement during times of crisis or to report suspicious or criminal activity will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses absent exigent circumstances or reasonable cause to

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### *Immigration Violations*

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believe that a crime victim or witness is involved in violating criminal laws. If it is determined that a victim or witness is an illegal immigrant, he/she need not be reported to ICE unless circumstances indicate such reporting is reasonably necessary.

## Aircraft Accidents

### **434.1 PURPOSE AND SCOPE**

This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

### **434.2 RESPONSIBILITIES**

In the event of an aircraft crash the employee responsibilities are as follows:

#### **434.2.1 POLICE OFFICER DUTIES**

The duties of the field officer at the scene of an aircraft accident include:

- (a) Determine the nature of the accident and what assistance is needed from additional personnel
- (b) Request additional personnel to respond as needed
- (c) Provide assistance for the injured parties until the arrival of Fire Department personnel and/or other emergency personnel
- (d) Once emergency medical assistance is established by the Fire Department, seal off the area and contain it for the on-scene investigation
- (e) Provide crowd control and other assistance until directed otherwise by a supervisor;
- (f) Contact the Coroner's office if a death(s) occurs.

#### **434.2.2 FEDERAL AVIATION ADMINISTRATION (FAA)**

The F.A.A./N.T.S.B. has the ultimate authority for the scene of an aircraft crash. The F.A.A. is concerned with several aspects of a crash as described in this section. The Watch Commander shall notify the F.A.A. immediately after an aircraft crash.

Every effort should be made by officers at the scene of an injury or fatality to preserve all crash debris in its original condition and location until examined by personnel charged with determining the cause of the accident. Officers present at the location of such accident should treat the situation as a crime scene until it is determined that such is not the case. Once the injured parties are removed from danger, control of the accident scene is the responsibility of the Police Department until the arrival of F.A.A. personnel who will conduct the investigation into the cause of the accident.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants and protecting the public from further danger. If possible, any intentions to tamper with, or move an aircraft involved in an accident, should be cleared with the F.A.A. investigator in advance.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If no injury or death results and the F.A.A. elects not to respond, the pilot or owner may assume control of the aircraft.

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### *Aircraft Accidents*

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Removal of the wreckage shall be done under the guidance of the F.A.A. or military authorities, or at the discretion of the pilot or the owner, if the F.A.A. is not responding for an on-site investigation.

#### **434.3 DOCUMENTATION**

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.

## 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 Santa Cruz 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 TRAINING OFFICER**

The Training Officer (TO) 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**

TO's will be selected based on the following requirements:

- (a) Desire to be an TO
- (b) Minimum of four years of patrol experience, two of which shall be with this department
- (c) Demonstrated ability as a positive role model
- (d) Participate and pass an internal oral interview selection process
- (e) Evaluation by supervisors and current TO's
- (f) Possess a POST Basic certificate

#### **436.2.2 TRAINING**

An officer selected as a Training Officer shall successfully complete a POST certified (40-hour) Training Officer's Course prior to being assigned as an TO.

All TO's must complete a 24-hour Training Officer update course every three years while assigned to the position of TO.

### **436.3 TRAINING OFFICER PROGRAM SUPERVISOR**

The Training Officer Program supervisor will be selected from the rank of sergeant or above by the Operations Division Commander or his/her designee and shall possess a POST Supervisory Certificate.

The TO Program supervisor shall have the responsibility of, but not be limited to the following:

- (a) Assignment of trainees to TO's
- (b) Conducting TO meetings
- (c) Maintain and ensure TO/Trainee performance evaluations are completed
- (d) Monitor individual TO performance

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### *Training Officer Program*

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- (e) Monitor overall TO Program
- (f) Maintain liaison with other agency's TO Coordinators
- (g) Develop ongoing training for TO's

The TO Program supervisor will be required to successfully complete a POST approved Training Administrator's Course within one year of appointment to this position.

#### **436.4 TRAINEE DEFINED**

Any entry level or lateral police officer newly appointed to the Santa Cruz 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 Training Program, consisting of a minimum of 16 weeks.

The training period for a lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

#### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

##### **436.6.1 TRAINING OFFICER**

- (a) TO's shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor.
- (b) TO's shall review the Trainee Performance Evaluations with the trainee.
- (c) Detailed performance evaluations on their assigned trainee shall be completed by the TO as mandated by the training program.
- (d) TO's shall be responsible for signing off all completed topics contained in the Training Manual, noting the method(s) of learning and evaluating the performance of their assigned trainee.

##### **436.6.2 IMMEDIATE SUPERVISOR**

The immediate supervisor shall review and approve the Trainee Performance Evaluations and forward them to the Training Administrator.

##### **436.6.3 TRAINING ADMINISTRATOR**

The Training Administrator will review and approve the Trainee Performance Evaluations submitted by the TO through his/her immediate supervisor.

##### **436.6.4 TRAINEE**

At the completion of the Training Program, the trainee shall submit a confidential performance evaluation on each of their TO's and on the Training Program.

#### **436.7 DOCUMENTATION**

All documentation of the Training Program will be retained in the officer's training files and will consist of the following:

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### *Training Officer Program*

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- (a) Trainee Performance Evaluations
- (b) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

## Field Interviews & Photographing of Field Detainees

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

### 440.2 DEFINITIONS

**Field Interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as a photograph taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual are not considered field photographs.

**Pat-Down Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable Suspicion** - Articulate facts that, within the totality of the circumstances, lead an officer to reasonably suspect that criminal activity has been, is being, or is about to be committed.

### 440.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

- (a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.
- (b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
- (c) The hour of day or night is inappropriate for the suspect's presence in the area.
- (d) The suspect's presence in a neighborhood or location is inappropriate.
- (e) The suspect is carrying a suspicious object.
- (f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
- (g) The suspect is located in proximate time and place to an alleged crime.
- (h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.



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### *Field Interviews & Photographing of Field Detainees*

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#### **440.3.1 INITIATING A FIELD INTERVIEW**

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a suspect if he has articulable, reasonable suspicion to do so. A suspect however, should not be detained longer than is reasonably necessary to determine the individual's identity and resolve the officer's suspicions.

#### **440.4 PAT-DOWN SEARCHES**

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
- (b) Where more than one suspect must be handled by a single officer.
- (c) The hour of the day and the location or neighborhood where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
- (e) The appearance and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
- (g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

#### **440.5 FIELD PHOTOGRAPHS**

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

##### **440.5.1 PHOTOS TAKEN WITH CONSENT**

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. Officers will check the consent box and give a brief statement of consent.

##### **440.5.2 PHOTOS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if the photograph is taken during a detention based upon reasonable suspicion of criminal activity, and:

- (a) The photograph serves some legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. There must be some facts that reasonably indicate that the subject was involved in or about to become involved in criminal conduct.
- (b) The officer can articulate a reasonable suspicion that the individual is somehow involved in criminal activity.

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### *Field Interviews & Photographing of Field Detainees*

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If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, a non-custodial photograph shall not be taken. Further, no detention shall be prolonged for the sole purpose of taking a photograph.

#### **440.6 SUPERVISOR RESPONSIBILITY**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

#### **440.7 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to a supervisor with either an associated field interview card file, report or other memorandum explaining the nature of the consent. If an individual is photographed as a suspect in a particular crime, any associated report numbers should be noted on the photograph.

After reviewing the photograph and related material, the supervisor shall forward it to the Records Section, or when appropriate, directly to the case detective for further processing.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in the Records Section in a separate non-booking photograph file in alphabetical order.

##### **440.7.1 PURGING THE FIELD PHOTO FILE**

The Records Supervisor will be responsible for periodically purging and destroying all such photographs more than one year old. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

#### **440.8 PHOTO REVIEW POLICY**

Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact. The request to review the status of the photograph/FI shall be directed to the office of the Chief of Police. Upon a verbal request, the Department shall send a request form to the requesting party along with a copy of this policy.

##### **440.8.1 REVIEW PROCESS**

Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

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### *Field Interviews & Photographing of Field Detainees*

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A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Santa Cruz Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Santa Cruz Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Santa Cruz Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.

If the Chief of Police or his/her designee determines that any involved Santa Cruz Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police's determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

## Criminal Street Gangs

### 442.1 PURPOSE AND SCOPE

It is the policy of this department to establish a procedure for identifying criminal street gangs, participants of criminal street gangs, and patterns of criminal activity as outlined in Penal Code §§ 186.20 through 186.33 of the "Street Terrorism Enforcement and Prevention Act."

The intent of this policy is to establish a procedure that will be used to develop a file of information and maintain this file so that the information contained therein may be used for enhancing criminal prosecution of criminal street gang participants.

### 442.2 DEFINITIONS

**Pattern of Criminal Gang Activity** - Shall mean the commission, attempted commission, conspiracy to commit, sustained juvenile petition for, or conviction of two or more of any offenses as described in Penal Code § 186.22(e).

**Criminal Street Gang** - Shall mean any on-going organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in Penal Code § 186.22(e), and which has a common name or common identifying sign or symbol, and whose members individually or collectively engage or have engaged in a pattern of criminal street gang activity.

**Gang Related Crime** - Shall mean any crime, which is committed for the benefit of, at the direction of, or in association with, a criminal street gang with the intent to promote, further or assist any criminal street gang.

### 442.3 IDENTIFICATION OF CRIMINAL STREET GANGS / PARTICIPANTS

- (a) A group of three or more individuals shall be designated a criminal street gang when:
1. They have a common name or common identifying sign or symbol
  2. There is evidence, substantiated by crime and informational reports, that a primary activity of the group is the commission of one or more criminal acts enumerated in Policy Manual § 442.2(a)
  3. One or more members individually or collectively have engaged in a pattern of criminal gang activity as defined in Policy Manual § 442.2(a) of this policy
  4. A designated representative of the District Attorney's Office reviews the available evidence and concurs with a Department finding that the group meets the criteria for being a criminal street gang
- (b) An individual shall be designated as a participant in a criminal street gang and included in a gang file, when one or more of the following elements have been verified by a Gang Investigator and a reasonable basis for believing such affiliation has been established and approved by a supervisor:
1. An individual admits membership in a criminal street gang
  2. A reliable informant or known gang member identifies an individual as a participant in a criminal street gang
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### *Criminal Street Gangs*

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3. An informant of previously untested reliability identifies an individual as a participant in a criminal street gang when that identification is corroborated by independent information
  4. An individual resides in or frequents a particular criminal street gang's area, and affects their style of dress, color of dress, use of jewelry, tattoos, monikers, or any other identifiable mannerism associated to that particular criminal street gang, and where the officer documents reasonable suspicion that the individual is involved in criminal gang activity or enterprise
  5. A person has been arrested in the company of identified criminal street gang members for offenses that are consistent with criminal street gang activity or criminal street gang related crimes
  6. An individual is identified as a gang member in a criminal street gang document or the individual is depicted in a criminal street gang member's photograph(s) in such a manner as to clearly indicate membership in a criminal street gang
- (c) An individual may be designated as a gang affiliate only when the individual is known to affiliate with active criminal gang members and an officer has established that there is reasonable suspicion that the individual is involved in criminal activity. An officer's belief must be premised upon reasoning and logic coupled with sound judgment based upon law enforcement experience, rather than a mere hunch or whim.

#### **442.4 CRIMINAL STREET GANG FILE**

A file of criminal street gang participants shall include:

- (a) Names, aliases, monikers, addresses, and other relevant identifying information;
- (b) Gang name;
- (c) Justification used to identify an individual as a criminal street gang participant;
- (d) Vehicle(s) known to be used;
- (e) Cross references to other identified gangs or gang members.

#### **442.5 FIELD CONTACTS**

- (a) Field Interviews
  1. Officers who contact individuals who are, or may be participants in criminal street gang activity should complete a F.I. card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant (e.g., subject states he or she is a member of XYZ gang; XYZ tattoo on right hand near thumb; wearing ball cap with gang name printed in blue or red ink).
- (b) Photographing known or suspected criminal street gang participants shall be done in accordance with the provisions of Policy Manual § 440 (Photographing of Field Detainees).

#### **442.6 NOTIFICATION TO PARENT OR GUARDIAN**

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the criminal street gang participant's file, such information shall be provided by the unit supervisor, unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

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### *Criminal Street Gangs*

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#### **442.7 REVIEW AND PURGING OF GANG PARTICIPANT FILE**

The file shall be reviewed annually by the unit supervisor. Each individual file having no entry indicating law enforcement contact for the preceding year's period shall be purged from the file and disposed of in accordance with the Department purge criteria.

Exception: In the event there is a legitimate law enforcement reason to retain the information in the file, an explanation for doing so shall be entered in the file by the unit supervisor. Files that are retained beyond the one-year period shall be reviewed every six months to determine if they should be purged.

#### **442.8 DISSEMINATIONS OF THE FILE INFORMATION**

Information from criminal street gang participant files may be furnished to Department personnel and other public law enforcement agencies only on a need-to-know basis. This means information that may be of use in the prevention of gang-related criminal activity or in the investigation of gang-related crimes shall be released to members of this department and other law enforcement agencies.

#### **442.9 REPORTING CRITERIA AND ROUTING**

- (a) Suspicious incidents, information reports and criminal incidents that appear to be criminal street gang related shall be documented on a report form.
  - 1. The reporting officer shall describe why the incident may be criminal street gang related and document statements, actions, dress, etc. that would tend to support the belief that involvement of a criminal street gang has occurred.
- (b) Officers completing a field interview card under the guidelines above shall photocopy the card and deliver it to the Records Section.

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## Mobile Audio Video Procedure

### 446.1 PURPOSE AND SCOPE

The Santa Cruz Police Department has equipped each marked patrol car with a Mobile Audio & Video (MAV) recording system. The MAV is designed to assist and compliment patrol officers in the performance of his/her duties. The MAV is used to record certain activities by providing a visual and/or audio record. Video recordings are intended to provide an unbiased visual/audio record of the incident and to supplement the officer's report.

### 446.2 REQUIRED ACTIVATION OF THE MAV

There are many situations where the use of the MAV is appropriate. This policy is not intended to describe every possible situation where the system is appropriate. In addition to the required situations, officers may activate the system if they feel its use would be appropriate and/or valuable to document an incident. Although an incident may not be visually taped, the use of audio can be invaluable evidence and is subject to the same activation requirements as the MAV. The following are situations requiring the recording of audio and video:

- (a) All field contacts involving actual or potential criminal conduct, within video or audio range, which includes:
  1. Vehicular pursuits or failure to yield operators;
  2. Arrests when within operating/visual distance of the unit;
  3. DUI investigations including field sobriety tests;
  4. Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect, such as:
    - (a) Domestic violence calls;
    - (b) Penal Code § 148 incidents/calls;
    - (c) Offenses involving violence or weapons;
  5. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require taping;
  6. Any other circumstances where the officer feels MAV use would be appropriate.

Once the MAV system is activated, it shall remain on and shall not be turned off 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, victims, etc. have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive or other similar situations.

#### 446.2.1 OFFICER RESPONSIBILITIES

- (a) At the beginning of each shift, the officer shall determine whether his/her recording equipment is working satisfactorily by turning on the MAV and ensuring it is not in the "lock" condition and that the video equipment is positioned and adjusted to record events. Officers shall ensure that the remote microphone is in proper working order and that both pieces of equipment remain turned on for the entirety of the officer's shift.

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### *Mobile Audio Video Procedure*

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- (b) If a problem is found at this, or any other time, the officer shall immediately notify their supervisor who shall arrange for repair or adjustment by providing written notification of the vehicle deficiency.
- (c) Officers will notify the duty sergeant as soon as practical of any taped sequence that may represent evidence. The tape shall be removed immediately by the sergeant in order to preserve evidence and replaced with a new tape. The officer shall complete a written request for duplication of the incident and drop the request form in the "small single items" locker in the evidence booking area.
- (d) No tape, or portion thereof, may be copied without approval of a management employee. Copies may be made by the Property Section for court, training, or other approved purposes following the procedures set forth for tape duplication. Tapes will be retained for 15 months at which time they will be erased.

#### **446.3 REVIEW OF MAV RECORDINGS**

Recordings may be reviewed in any of the following situations:

- (a) By a supervisor investigating a specific act of officer conduct
- (b) By a department detective after approval of a supervisor who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (c) By department personnel who request to review their own recordings
- (d) By court personnel through proper process or with permission of the Chief of Police or his/her designee
- (e) By media personnel with permission of the Chief of Police or his/her designee
- (f) An employee may view the original video tape of a specific incident prior to removing the tape from the MAV. Once removed from the MAV, viewing the video tape requires written authorization from a management employee. Employees requesting to view a copy of the video tape are required to obtain authorization from a management employee

Employees desiring to view any MAV recording shall submit a request in writing to the Watch Commander.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

#### **446.4 DOCUMENTING MAV USE**

Any incident that was recorded with either the video or audio system shall be documented in the officer's report. If a citation was issued, a notation shall be placed on the back of the records copy of the citation that the incident was recorded.

#### **446.5 VIDEO MEDIA STORAGE & INTEGRITY**

Once checked in, all video media will be labeled and placed in a designated secure storage area. All video media that is not booked in as evidence will be retained for a minimum of one year after which time they will be erased, destroyed, or recycled.

##### **446.5.1 COPIES OF VIDEO RECORDINGS**

Original video recording media shall not be used for any purpose other than for initial review by a supervisor. A copy of the original video recording will be made upon proper request for any person authorized in Policy Manual § 446.4.



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### *Mobile Audio Video Procedure*

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Original video recording media may only be released in response to a valid court order or upon approval by the Chief of Police or his/her designee. In the event that an original recording is released to court, a copy shall be made and placed in storage until the original is returned.

#### **446.5.2 MAV RECORDINGS AS EVIDENCE**

Only in exceptional circumstances will original video media be booked into evidence. The exceptions would include a major event such as a homicide or as directed by the Watch Commander or a member of staff. If a video media is booked into evidence, it shall be booked in the same manner as other property and referenced in the case report.

## **Mobile Digital Computer Use**

### **448.1 PURPOSE AND SCOPE**

The Mobile Digital Computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

### **448.2 MDC USE**

The MDC shall be used for official police communications only. All other uses are strictly forbidden.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

#### **448.2.1 USE WHILE DRIVING**

Use of the MDC by the operator should be limited to times when the vehicle is stopped. Sending or reading MDC messages while a vehicle is in motion is a potentially dangerous practice. Short transmissions, such as entry of a license number for a stolen or registration check are permitted if they can be done safely. Reading messages while in motion by the operator should only be attempted when the message requires the operator's immediate attention. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

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## Use of Audio Recorders

### 450.1 PURPOSE AND SCOPE

To establish guidelines regarding when a recording device should be used.

### 450.2 POLICY

Digital Recording devices will be supplied to all sworn personnel and Community Service Officers. They shall be carried daily on their person and utilized as part of the uniform field equipment. The intent of the digital recording device program is to provide a record of events resulting from field investigations of criminal cases and/or for addressing citizen complaints.

### 450.3 USE OF DIGITAL RECORDING DEVICE

- (a) Officers shall digitally record:
  - 1. Chemical test refusals (Vehicle Code § 13353 CVC).
  - 2. Domestic Violence spontaneous or initial interview statements
  - 3. Witness/suspect statements in Penal Code § 148/243 investigations.
- (b) Officers are encouraged to use their digital recorder any time they feel it may be beneficial. Examples:
  - 1. When interviewing suspects.
  - 2. When a concern arises about a witness statement.
  - 3. Dying declarations.
  - 4. To assist you for report or court presentation and/or preparation.
  - 5. In the course of an enforcement contact where the person may be uncooperative or a citizen complaint may arise.
- (c) It may not be practical to record every citizen contact, however, officers are encouraged to record all citizen contacts in their entirety.
- (d) When using digital recorders, officers must comply with Federal and State law (Refer to Penal Code §§ 632 & 633).
- (e) Recordings that need to be transcribed for Operations Division criminal cases shall be turned in to the Records Section for transcription.
- (f) Recordings containing information of evidentiary value in a criminal case shall be booked into evidence in accordance with existing procedure for storage of digital items. Recordings of field activity an officer believes may describe circumstances of actual or potential City liability shall be booked for safekeeping using the proper procedure for storage of digital items. All digital recordings booked into evidence or safekeeping shall be retained for two (2) years per §§ 6200 and 34090 of the Government Code. All other recordings shall be retained by the officer and stored in their H:drive and categorized by time/date and contact subject for a period of six months.
- (g) Except for authorized criminal investigations, no employee shall surreptitiously record any conversation with any Department employee.

## **Loud or Unruly Gatherings**

### **451.1 PURPOSE AND SCOPE**

Municipal Code § 9.37 (and appropriate subsections) has been enacted to address police responses to properties on which repeated loud or unruly gatherings occur.

The legislation addresses fines and cost recovery associated with continued Police/Fire/City Emergency Responder responses to the same address as a result of these disturbances.

#### **451.1.1 POLICY**

The department will utilize Municipal Code Section 9.37 and appropriate subsections to address the issue of continued police response to the same address for loud or unruly gatherings. Supervisory approval from the on-duty Field Supervisor shall be obtained prior to taking action under this section.

#### **451.1.2 APPLICATION**

Enforcement procedures are outlined in the Municipal Code (Attachment A). Upon response to the location of a loud or unruly gathering and, after evaluation by the officer and approval by the supervisor that a loud or unruly gathering has occurred, and that the police department has responded to that location within the past 12 months on a loud or unruly gathering, the officer may enforce the section. The officer will complete the citation, the "Notice of Violation and Warning" form, and the police report. All documents will be forwarded per department procedures. The officer shall also advise NETCOM to flag the address as receiving the warning under this section. The Police Payroll and Purchasing Clerk shall be responsible for notifying the landlord in writing of first response no sooner than 10 days after the response occurred, and complete the billing process for the responsible persons in violation of the ordinance. The forms for this notification are attached (Attachment B). Application of this Ordinance does not relieve the officer from the responsibility to properly apply other code sections (Penal, Health & Safety, Business & Professions, etc.) as necessary in the performance of their duty.

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## Medical Marijuana

### 452.1 PURPOSE AND SCOPE

This policy was adopted from the guidelines published by the State of California Attorney General in August 2008. In 1996, California voters approved an initiative that exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana. In 2003, the Legislature enacted additional legislation relating to medical marijuana. One of those statutes requires the Attorney General to adopt "guidelines to ensure the security and nondiversion of marijuana grown for medical use." (Health & Saf. Code, § 11362.81(d).<sup>1</sup>) To fulfill this mandate, this Office is issuing the following guidelines to (1) ensure that marijuana grown for medical purposes remains secure and does not find its way to non-patients or illicit markets, (2) help law enforcement agencies perform their duties effectively and in accordance with California law, and (3) help patients and primary caregivers understand how they may cultivate, transport, possess, and use medical marijuana under California law.

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<sup>1</sup> Unless otherwise noted, all statutory references are to the Health & Safety Code.

### 452.2 SUMMARY OF APPLICABLE LAW

- (a) **California Penal Provisions Relating to Marijuana:** The possession, sale, cultivation, or transportation of marijuana is ordinarily a crime under California law. (See, e.g., § 11357 [possession of marijuana is a misdemeanor]; § 11358 [cultivation of marijuana is a felony]; Veh. Code, § 23222 [possession of less than 1 oz. of marijuana while driving is a misdemeanor]; § 11359 [possession with intent to sell any amount of marijuana is a felony]; § 11360 [transporting, selling, or giving away marijuana in California is a felony; under 28.5 grams is a misdemeanor]; § 11361 [selling or distributing marijuana to minors, or using a minor to transport, sell or give away marijuana, is a felony].)
- (b) **Proposition 215 – The Compassionate Use Act of 1996:** On November 5, 1996, California voters passed Proposition 215, which decriminalized the cultivation and use of marijuana by seriously ill individuals upon a physician's recommendation. (§ 11362.5) Proposition 215 was enacted to "ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana," and to "ensure the patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction." (§ 11362.5(b)(1)(A)-(B).) The act further states that "Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or verbal recommendation or approval of a physician." (§ 11362.5(d).) Courts have found an implied defense to the transportation of medical marijuana when the "quantity transported and the method, timing and distance of the transportation are reasonably related to the patient's current medical needs." (People v. Trippet (1997) 56 Cal.App.4th 1532, 1551.)

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- (c) **Senate Bill 420 – The Medical Marijuana Program Act:** On January 1, 2004, Senate Bill 420, the Medical Marijuana Program Act (MMP), became law. (§§ 11362.7-11362.83.) The MMP, among other things, requires the California Department of Public Health (DPH) to establish and maintain a program for the voluntary registration of qualified medical marijuana patients and their primary caregivers through a statewide identification card system. Medical marijuana identification cards are intended to help law enforcement officers identify and verify that cardholders are able to cultivate, possess, and transport certain amounts of marijuana without being subject to arrest under specific conditions. (§§ 11362.71(e), 11362.78.) It is mandatory that all counties participate in the identification card program by (a) providing applications upon request to individuals seeking to join the identification card program; (b) processing completed applications; (c) maintaining certain records; (d) following state implementations protocols; and (e) issuing DPH identification cards to approved applications and designated primary caregivers. (§ 11362.71(b).) Participation by patients and primary caregivers in the identification card program is voluntary. However, because identification cards offer the holder protection from arrest, are issued only after verification of the cardholder's status as a qualified patient or primary caregiver, and are immediately verifiable online or via telephone, they represent one of the best ways to ensure the security and non-diversion of marijuana grown for medical use. In addition to establishing the identification card program, the MMP also defines certain terms, sets possession guidelines for cardholders, and recognizes a qualified right to collective and cooperative cultivation of medical marijuana. (§§ 11362.7, 11362.77, 11362.775.)
- (d) **Taxability of Medical Marijuana Transactions:** In February 2007, the California State Board of Equalization (BOE) issued a Special Notice confirming its policy of taxing medical marijuana transactions, as well as its requirement that businesses engaging in such transactions hold a Seller's Permit. (<http://www.boe.ca.gov/news/pdf/medseller2007.pdf>.) According to the Notice, having a Seller's Permit does not allow individuals to make unlawful sales, but instead merely provides a way to remit any sales and use taxes due. BOE further clarified its policy in a June 2007 Special Notice that addressed several frequently asked questions concerning taxation of medical marijuana transactions. (<http://www.boe.ca.gov/news/pdf/173.pdf>.)
- (e) **Medical Board of California:** The Medical Board of California licenses, investigates, and disciplines California physicians. (Bus. & Prof. Code, § 2000, et seq.) Although state law prohibits punishing a physician simply for recommending marijuana for treatment of a serious medical condition (§ 11362.5(c)), the Medical Board can and does take disciplinary action against physicians who fail to comply with accepted medical standards when recommending marijuana. In a May 13, 2004 press release, the Medical Board clarified that these accepted standards are the same ones that a reasonable and prudent physician would follow when recommending or approving any medication. They include the following:
1. Taking a history and conducting a good faith examination of the patient;
  2. Developing a treatment plan with objectives;
  3. Providing informed consent, including discussion of side effects;
  4. Periodically reviewing the treatment's efficacy;
  5. Consultations, as necessary; and
  6. Keeping proper records supporting the decision to recommend the use of medical marijuana. (.) Complaints about physicians should be addressed to the Medical Board (1-800-633-2322 or ), which investigates and prosecutes alleged licensing violations in conjunction with the Attorney General's Office.

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- (f) **The Federal Controlled Substances Act:** Adopted in 1970, the Controlled Substances Act (CSA) established a federal regulatory system designed to combat recreational drug abuse by making it unlawful to manufacture, distribute, dispense, or possess any controlled substance. (21 U.S.C. § 801, et. seq.; *Gonzales v. Oregon* (2006) 546 U.S. 243, 271-273.) The CSA reflects the federal government's view that marijuana is a drug with "no currently accepted medical use." (21 U.S.C. § 812(b)(1).) Accordingly, the manufacture, distribution, or possession of marijuana is a federal criminal offense. (*Id.* at §§ 841(a)(1), 844(a).) The incongruity between federal and state law has given rise to understandable confusion, but no legal conflict exists merely because state law and federal law treat marijuana differently. Indeed, California's medical marijuana laws have been challenged unsuccessfully in court on the ground that they are preempted by the CSA. (*County of San Diego v. San Diego NORML* (July 31, 2008) — Cal.Rptr.3d —, 2008 WL 2930117.) Congress has provided that states are free to regulate in the area of controlled substances, including marijuana, provided that state law does not positively conflict with the CSA. (21 U.S.C. § 903.) Neither Proposition 215, nor the MMP, conflict with the CSA because, in adopting these laws, California did not "legalize" medical marijuana, but instead exercised the state's reserved powers to not punish certain marijuana offenses under state law when a physician has recommended its use to treat a serious medical condition. (See *City of Garden Grove v. Superior Court (Kha)* (2007) 157 Cal.App.4th 335, 371-373, 381-382.) In light of California's decision to remove the use and cultivation of physician-recommended marijuana from the scope of the state's drug laws, this Office recommends that state and local law enforcement officers not arrest individuals or seize marijuana under federal law when the officer determines from the facts available that the cultivation, possession, or transportation is permitted under California's medical marijuana laws.

### 452.3 DEFINITIONS

- (a) **Physician's Recommendation:** Physicians may not prescribe marijuana because the federal Food and Drug Administration regulates prescription drugs and, under the CSA, marijuana is a Schedule I drug, meaning that it has no recognized medical use. Physicians may, however, lawfully issue a verbal or written recommendation under California law indicating that marijuana would be beneficial treatment for a serious medical condition. (§ 11362.5(d); *Conant v. Walters* (9th Cir. 2002) 309 F.3d 629, 632.)
- (b) **Primary Caregiver:** A primary caregiver is a person who is designated by a qualified patient and "has consistently assumed responsibility for the housing, health, or safety" of the patient. (§ 11362.5(e).) California courts have emphasized the consistency element of the patient-caregiver relationship. Although a "primary caregiver who consistently grows and supplies medicinal marijuana for a section 11362.5 patient is serving a health need of the patient," someone who merely maintains a source of marijuana does not automatically become the party "who has consistently assumed responsibility for the housing, health, or safety" of that purchaser. (*People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1390, 1400.) A person may serve as primary caregiver to "more than one" patient, provided that the patients and caregiver all reside in the same city or country. (§ 11362.7(d)(2).) Primary caregivers also may receive certain compensation for their services. (§ 11362.765(c) ["A primary caregiver who receives compensation for actual expenses, including reasonable compensation incurred for services provided to enable [a patient] to use marijuana under this article, or for payment for out-of-pocket expenses incurred in providing those services, or both, shall not, on the sole basis of that fact, be subject to prosecution" for possessing or transporting marijuana].)

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- (c) **Qualified Patient:** A qualified patient is a person whose physician has recommended the use of marijuana to treat a serious illness, including cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief. (§ 11362.5(b)(1)(A).)
- (d) **Recommending Physician:** A recommending physician is a person who (1) possesses a license in good standing to practice medicine in California; (2) has taken responsibility for some aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient; and (3) has complied with accepted medical standards (as described by the Medical Board of California in its May 13, 2004 press release) that a reasonable and prudent physician would follow when recommending or approving medical marijuana for the treatment of his or her patient.

## **452.4 GUIDELINES REGARDING INDIVIDUAL QUALIFIED PATIENTS AND PRIMARY CAREGIVERS**

### **452.4.1 STATE LAW COMPLIANCE GUIDELINES.**

- (a) **Physician Recommendation:** Patients must have a written or verbal recommendation for medical marijuana from a licensed physician. (§ 11362.5(d).)
- (b) **State of California Medical Marijuana Identification Card:** Under the MMP, qualified patients and their primary caregivers may voluntarily apply for a card issued by DPH identifying them as a person who is authorized to use, possess, or transport marijuana grown for medical purposes. To help law enforcement officers verify the cardholder's identity, each card bears a unique identification number, and a verification database is available online ([www.calmmp.ca.gov](http://www.calmmp.ca.gov)). In addition, the cards contain the name of the county health department that approved the application, a 24-hour verification telephone number, and an expiration date. (§§ 11362.71(a); 11362.735(a)(3)-(4); 11362.745.)
- (c) **Proof of Qualified Patient Status:** Although verbal recommendations are technically permitted under Proposition 215, patients should obtain and carry written proof of their physician recommendations to help them avoid arrest. A state identification card is the best form of proof, because it is easily verifiable and provides immunity from arrest if certain conditions are met (see section III.B.4, below). The next best forms of proof are a city – or county-issued patient identification card, or a written recommendation from a physician.
- (d) **Possession Guidelines:**
  1. **MMP<sup>2</sup>:** Qualified patients and primary caregivers who possess a state-issued identification card may possess 8 oz. of dried marijuana, and may maintain no more than 6 mature or 12 immature plants per qualified patient. (§ 11362.77(a).) But, if "a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the qualified patient's medical needs, the qualified patient or primary caregiver may possess an amount of marijuana consistent with the patient's needs." (§ 11362.77(b).) Only the dried mature processed flowers or buds of the female cannabis plant should be considered when determining allowable quantities of medical marijuana for purposes of the MMP. (§ 11362.77(d).)
  2. **Local Possession Guidelines:** Countries and cities may adopt regulations that allow qualified patients or primary caregivers to possess medical marijuana in amounts that exceed the MMP's possession guidelines. (§ 11362.77(c).)



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3. Proposition 215: Qualified patients claiming protection under Proposition 215 may possess an amount of marijuana that is "reasonably related to [their] current medical needs." (*People v. Trippet* (1997) 56 Cal.App.4th 1532, 1549.)

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<sup>2</sup> On May 22, 2008, California's Second District Court of Appeal severed Health & Safety Code § 11362.77 from the MMP on the ground that the statute's possession guidelines were an unconstitutional amendment of Proposition 215, which does not quantify the marijuana a patient may possess. (See *People v. Kelly* (2008) 163 Cal.App.4th 124, 77 Cal.Rptr.3d 390.) The Third District Court of Appeal recently reached a similar conclusion in *People v. Phomphakdy* (July 31, 2008) — Cal.Rptr.3d —, 2008 WL 2931369. The California Supreme Court has granted review in *Kelly* and the Attorney General intends to see review in *Phomphakdy*.

#### 452.4.2 ENFORCEMENT GUIDELINES.

- (a) **Location of Use:** Medical marijuana may not be smoked (a) where smoking is prohibited by law, (b) at or within 1000 feet of a school, recreation center, or youth center (unless the medical use occurs within a residence, (c) on a school bus, or (d) in a moving motor vehicle or boat. (§ 11362.79.)
- (b) **Use of Medical Marijuana in the Workplace or at Correctional Facilities:** The medical use of marijuana need not be accommodated in the workplace, during working hours, or at any jail, correctional facility, or other penal institution. (§ 11362.785(a); *Ross v. RagingWire Telecomms., Inc.* (2008) 42 Cal.4th 920, 933 [under the Fair Employment and Housing Act, an employer may terminate an employee who tests positive for marijuana use].)
- (c) **Criminal Defendants, Probationers, and Parolees:** Criminal defendants and probationers may request court approval to use medical marijuana while they are released on bail or probation. The court's decision and reasoning must be stated on the record and in the minutes of the court. Likewise, parolees who are eligible to use medical marijuana may request that they be allowed to continue such use during the period of parole. The written conditions of parole must reflect whether the request was granted or denied. (§ 11362.795.)
- (d) **State of California Medical Marijuana Identification Cardholders:** When a person invokes the protections of Proposition 215 or the MMP and he or she possesses a state medical marijuana identification card, officers should:
  1. Review the identification card and verify its validity either by calling the telephone number printed on the card, or by accessing DPH's card verification website (): and
  2. If the card is valid and not being used fraudulently, there are no other indicia of illegal activity (weapons, illicit drugs, or excessive amounts of cash), and the person is within the state or local possession guidelines, the individual should be released and the marijuana should not be seized. Under the MMP, "no person or designated primary caregiver in possession of a valid state medical marijuana identification card shall be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana." (§ 11362.71(e).) Further, a "state or local law enforcement agency or officer shall not refuse to accept an identification card issued by the department unless the state or local law enforcement agency or officer has reasonable cause to believe that the information contained in the card is false or fraudulent, or the card is being used fraudulently." (§ 11362.78.)

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- (e) **Non-Cardholders:** When a person claims protection under Proposition 215 or the MMP and only has a locally-issued (i.e., non-state) patient identification card, or a written (or verbal) recommendation from a licensed physician, officers, should use their sound professional judgment to assess the validity of the person's medical-use claim:
1. Officers need not abandon their search or investigation. The standard search and seize rules apply to the enforcement of marijuana-related violations. Reasonable suspicion is required for detention, while probable cause is required for search, seizure, and arrest.
  2. Officers should review any written documentation for validity. It may contain the physician's name, telephone number, address, and license number.
  3. If the officer reasonably believes that the medical-use claim is valid based upon the totality of the circumstances (including the quantity of marijuana, packaging for sale, the presence of weapons, illicit drugs, or large amounts of cash), and the person is within the state or local possession guidelines or has an amount consistent with their current medical needs, the person should be released and the marijuana should not be seized.
  4. Alternatively, if the officer has probable cause to doubt the validity of a person's medical marijuana claim based upon the facts and circumstances, the person may be arrested and the marijuana may be seized. It will then be up to the person to establish his or her medical marijuana defense in court.
  5. Officers are not obligated to accept a person's claim of having a verbal physician's recommendation that cannot be readily verified with the physician at the time of the detention.
- (f) **Exceeding Possession Guidelines:** If a person has what appears to be valid medical documentation, but exceeds the applicable possession guidelines identified above, all marijuana may be seized.
- (g) **Return of Seized Medical Marijuana:** If a person whose marijuana is seized by law enforcement successfully establishes a medical marijuana defense in court, or the case is not prosecuted, he or she may file a motion for return of the marijuana. If a court grants the motion and orders the return of the marijuana seized incident to an arrest, the individual or entity subject to the order must return the property. State law enforcement officers who handle controlled substances in the course of their official duties are immune from liability under the CSA. (21 U.S.C. § 885(d).) Once the marijuana is returned, federal authorities are free to exercise jurisdiction over it. (21 U.S.C. §§ 812(c)(10), 844(a); *City of Garden Grove v. Superior Court (Kha)* 157 Cal.App.4th 355, 369, 386, 391.)

## 452.5 GUIDELINES REGARDING COLLECTIVES AND COOPERATIVES

Under California law, medical marijuana patients and primary caregivers may "associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes." (§ 11362.775.) The following guidelines are meant to apply to qualified patients and primary caregivers who come together to collectively or cooperatively cultivate physician-recommended marijuana.

### 452.5.1 BUSINESS FORMS FOR COLLECTIVES

Any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes should be organized and operated in a manner that ensures the security of the crop and safeguards against diversion for non-medical purposes. The following are

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guidelines to help cooperatives and collectives operate within the law, and to help law enforcement determine whether they are doing so.

- (a) **Statutory Cooperatives:** A cooperative must file articles of incorporation with the state and conduct its business for the mutual benefit of its members. (Corp. Code, § 12201, 12300.) No business may call itself a "cooperative" (or "co-op") unless it is properly organized and registered as such a corporation under the Corporations or Food and Agricultural Code. (*Id.* at § 12311(b).) Cooperative corporations are "democratically controlled and are not organized to make a profit for themselves, as such, or for their members, as such, but primarily for their members as patrons." (*Id.* at § 12201.) The earnings and savings of the business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services. (*Ibid.*) Cooperatives must follow strict rules on organization, articles, elections, and distribution of earnings, and must report individual transactions from individual members each year. (See *id.* at § 12200, et seq.) Agricultural cooperatives are likewise nonprofit corporate entities "since they are not organized to make profit for themselves as such, or for their members, as such, but only for their members as producers." (Food & Agric. Code, § 54033.) Agricultural cooperatives share many characteristics with consumer cooperatives. (See, e.g., *id.* at § 54002, et seq.) Cooperatives should not purchase marijuana from, or sell to, non-members; instead, they should only provide a means for facilitating or coordinating transactions between members.
- (b) **Collectives:** California law does not define collectives, but the dictionary defines them as "a business, farm, etc., jointly owned and operated by the members of a group." (*Random House Unabridged Dictionary; Random House, Inc. @ 2006*) Applying this definition, a collective should be an organization that merely facilitates the collaborative efforts of patient and caregiver members – including the allocation of costs and revenues. As such, a collective is not a statutory entity, but as a practical matter it might have to organize as some form of business to carry out its activities. The collective should not purchase marijuana from, or sell to, non-members; instead, it should only provide a means for facilitating or coordinating transactions between members.

#### 452.5.2 GUIDELINES FOR THE LAWFUL OPERATION OF A COOPERATIVE OR COLLECTIVE:

Collectives and cooperatives should be organized with sufficient structure to ensure security, non-diversion of marijuana to illicit markets, and compliance with all state and local laws. The following are some suggested guidelines and practices for operating collective growing operations to help ensure lawful operation.

- (a) **Non-Profit Operation:** Nothing in Proposition 215 or the MMP authorizes collectives, cooperatives, or individuals to profit from the sale or distribution of marijuana. (See, e.g., 11362.765(a) ["nothing in this section shall authorize any individual or group to cultivate or distribute marijuana for profit"].)
- (b) **Business Licenses, Sales Tax, and Seller's Permits:** The State Board of Equalization has determined that medical marijuana transactions are subject to sales tax, regardless of whether the individual or group makes a profit, and those engaging in transactions involving medical marijuana must obtain a Seller's Permit. Some cities and counties also require dispensing collectives and cooperatives to obtain business licenses.
- (c) **Membership Application and Verification:** When a primary caregiver wishes to join a collective or cooperative, the group can help prevent the diversion of marijuana

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for non-medical use by having potential members complete a written membership application. The following application guidelines should be followed to help ensure that marijuana grown for medical use is not diverted to illicit markets:

1. Verify the individual's status as a qualified patient or primary caregiver. Unless he or she has a valid medical marijuana identification card, this should involve personal contact with the recommending physician (or his or her agent), verification of the physician's identity, as well as his or her state licensing status. Verification of primary caregiver status should include contact with the qualified patient, as well as validation of the patient's recommendation. Copies should be made of the physician's recommendation or identification card, if any;
2. Have the individual agree not to distribute marijuana to non-members;
3. Have the individual agree not to use the marijuana for other than medical purposes;
4. Maintain membership records on-site or have them reasonably available;
5. Track when members' medical marijuana recommendation and/or identification cards expire; and
6. Enforce conditions of membership by excluding members whose identification card or physician recommendation are invalid or have expired, or who are caught diverting marijuana for non-medical use.

- (d) **Collectives Should Acquire, Possess, and Distribute Only Lawfully Cultivated Marijuana:** Collectives and cooperatives should acquire marijuana only from their constituent members, because only marijuana grown by a qualified patient or his or her primary caregiver may lawfully be transported by, or distributed to, other members of a collective or cooperative. (§§ 11362.765, 11362.775.) The collective or cooperative may then allocate it to other members of the group. Nothing allows marijuana to be purchased from outside the collective or cooperative for distribution to its members. Instead, the cycle should be closed-circuit of marijuana cultivation and consumption with no purchases or sales to or from non-members. To help prevent diversion of medical marijuana to non-medical markets, collectives and cooperatives should document each member's contribution of labor, resources, or money to the enterprise. They should also track and record the source of their marijuana.
- (e) **Distribution and Sales to Non-members are Prohibited:** State law allows primary caregivers to be reimbursed for certain services (including marijuana cultivation), but nothing allows individuals or groups to sell or distribute marijuana to non-members. Accordingly, a collective or cooperative may not distribute medical marijuana to any person who is not a member in good standing of the organization. A dispensing collective or cooperative may credit its members for marijuana they provide to the collective, which it may then allocate to other members. (§ 11362.765(c).) Members also may reimburse the collective or cooperative for marijuana that has been allocated to them. Any monetary reimbursement that members provide to the collective or cooperative should only be an amount necessary to cover overhead costs and operating expenses.
- (f) **Permissible Reimbursements and Allocations:** Marijuana grown at a collective or cooperative for medical purposes may be:
1. Provided free to qualified patients and primary caregivers who are members of the collective or cooperative;
  2. Provided in exchange for services rendered to the entity;

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3. Allocated based on fees that are reasonably calculated to cover overhead costs and operating expenses; or
  4. Any combination of the above.
- (g) **Possession and Cultivation Guidelines:** If a person is acting as primary caregiver to more than one patient under section 11362.7(d)(2), he or she may aggregate the possession and cultivation limits for each patient. For example, applying the MMP's basic possession guidelines, if a caregiver is responsible for three patients, he or she may possess up to 24 oz. of marijuana (8 oz. per patient) and may grow 18 mature or 36 immature plants. Similarly, collectives and cooperatives may cultivate and transport marijuana in aggregate amounts tied to its membership numbers. Any patient or primary caregiver exceeding individual possession guidelines should have supporting records readily available when:
1. Operating a location for cultivation;
  2. Transporting the group's medical marijuana; and
  3. Operating a location for distribution to members of the collective or cooperative.
- (h) **Security:** Collectives and cooperatives should provide adequate security to ensure that patients are safe and that the surrounding homes or businesses are not negatively impacted by nuisance activity such as loitering or crime. Further, to maintain security, prevent fraud, and deter robberies, collectives or cooperatives should keep accurate records and follow accepted cash handling practices, including regular bank runs and cash drops, and maintain a general ledge of cash transactions.

#### 452.5.3 ENFORCEMENT GUIDELINES:

Depending upon the facts and circumstances, deviations from the guidelines outlined above, or other indicia that marijuana is not for medical use, may give rise to probable cause for arrest and seizure. The following are additional guidelines to help identify medical marijuana collectives and cooperatives that are operating outside of state law.

- (a) **Storefront Dispensaries:** Although medical marijuana "dispensaries" have been operating in California for years, dispensaries, as such, are not recognized under the law. As noted above, the only recognized group entities are cooperatives and collectives. (§ 11362.775.) It is the opinion of this Office that a properly organized and operated collective or cooperative that dispenses medical marijuana through a storefront may be lawful under California law, but that dispensaries that do not substantially comply with the guidelines set forth in sections IV(A) and (B), above, are likely operating outside the protections of Proposition 215 and MMP, and that the individuals operating such entities may be subject to arrest and criminal prosecution under California law. For example, dispensaries that merely require patients to complete a form summarily designating the business owner as their primary caregiver – and then offering marijuana in exchange for cash "donations" – are likely unlawful. (*Peron, supra*, 59 Cal.App.4th at p. 1400 [cannabis club owner was not the primary caregiver to thousands of patients where he did not consistently assume responsibility for their housing, health, or safety].)
- (b) **Indicia of Unlawful Operation:** When investigating collectives or cooperatives, law enforcement officers should be alert for signs of mass production or illegal sales, including (a) excessive amounts of marijuana, (b) excessive amounts of cash, (c) failure to follow local and state laws applicable to similar businesses, such as maintenance of any required licenses and payment of any required taxes, including sales taxes, (d) weapons, (e) illicit drugs, (f) purchases from, or sales or distribution to, non-members, or (g) distribution outside of California.

## **ATV Policy**

### **455.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines for the use of police department All Terrain Vehicles (ATVs). ATVs will be used to patrol open spaces in the city including the main beach and levee areas.

### **455.2 AUTHORIZED VEHICLES**

Only those ATVs owned by the City of Santa Cruz may be used by department personnel unless prior permission is obtained from the Deputy Chief or Chief of Police.

### **455.3 TRAINING**

All personnel must successfully pass the department approved training program prior to using the ATVs for patrol purposes. The training program will be consistent with that provided by the State of California Park Ranger program.

### **455.4 OPERATION**

ATVs will be operated pursuant to state and local laws. Operators will wear helmets and eye-wear at all times when the vehicle is in motion. ATVs may be operated on designated city streets pursuant to Santa Cruz Municipal Code § 10.50.010. Generally, speeds on surface streets shall be limited to 15 mph but in no event shall speeds exceed the posted speed limit. Pursuits are prohibited on ATVs. Speeds when off-road shall be prudent for the conditions at the time taking into account the number of people in the vicinity, the conditions of the riding surface, etc.

Prior to use, the operator will perform a safety check. Any deficiencies will be reported in the same manner as that used for patrol cars. Whenever the ATV is left unattended by the operator, it will be turned off and the key will be removed. City employees of other city departments are not permitted to use the ATVs without prior consent of the Deputy Chief or Chief of Police.

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**Chapter 5 - Traffic Operations**

## Traffic Collision Reporting

### 502.1 PURPOSE AND SCOPE

Vehicle collisions reported to Santa Cruz Police Department, whether having occurred on public or private property, will be investigated and a report prepared by a member of the department. Enforcement action will be taken upon the detection of any illegal or potentially hazardous act committed upon the highways within the City of Santa Cruz. Enforcement action may consist of a warning, citation, application for complaint or physical arrest.

Legally, an officer who has completed the 40-hour Basic Accident Investigation Course may issue a citation at the scene of a collision for a violation suspected as the primary cause for the collision (California Vehicle Code § 40600). It shall be department policy that the investigating officer will make a recommendation and forward a copy of the collision report for review prior to a citation being issued. Upon review and approval, a citation shall be mailed to the offender. The exceptions are for equipment violations (no driver's license, no insurance, no registration, etc.) or misdemeanors, including DUI, reckless driving or driving with a suspended license.

#### 502.1.1 COLLISIONS INVOLVING FAMILY OR CLOSE RELATIVE

Officers shall not investigate any traffic collision involving their immediate family or relatives. If an officer believes they cannot objectively investigate a traffic collision because of the involvement of a close relationship, they shall notify the on-duty supervisor. The supervisor shall arrange for another officer to investigate the collision.

### 502.2 DEFINITIONS

- (a) **Accident or Collision:** An unintended event that produces damage or injury. The "injury" includes "fatal injury". "Accident" and "Collision" are synonymous, interchangeable words describing the event.
- (b) **Fatal Injury:** A death occurs as the result of a traffic collision.
- (c) **Major Injury:** When there is a great likelihood that the person will die as a result of their injuries.
- (d) **Vehicle:** For the purposes of reporting - a vehicle is a **bicycle** or **motor vehicle**.

#### 502.2.1 TRAFFIC COLLISION "INVESTIGATIONS" DEFINED

- (a) Any collision resulting in a fatality, injury or major damage.
- (b) Any hit and run collision with sufficient information for follow-up investigation.
- (c) Any collision from which there is an in-custody arrest or the officer is requesting that a misdemeanor or felony complaint be filed.
- (d) Any collision where evidence supports a primary collision factor for fault in the collision when there are conflicting statements or statements conflict with physical evidence.

#### 502.2.2 TRAFFIC COLLISION "REPORTS" DEFINED

- (a) Any collision resulting in property damage only or complaint of pain where the injured party refuses medical attention.
- (b) Hit and run collisions involving only property damage, with no suspect information or investigative leads for follow-up.



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### *Traffic Collision Reporting*

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- (c) Property damage only in which the investigating officer is requesting only an infraction complaint be filed or citation issued.

Facts must be articulated to meet the elements of the violation to support the infraction complaint.

### **502.3 REPORTING FORMS**

- (a) The Alliance Traffic template will be used in place of the CHP form 555. A 555-03 may be used for counter reports, non-injury hit and run reports without investigative leads or follow-up needed, or property damage reports when an officer responds to the scene of the collision and the parties do not request an investigation and the collision does not meet State reporting guidelines (exchange of information).
- (b) The Alliance Traffic template will be used in place of the CHP form 555 to document all injury or fatal collisions, major property damage collisions, or any collision where a citation is issued for the primary collision factor or a criminal complaint requested.

### **502.4 TRAFFIC COLLISION "INVESTIGATIONS"**

Documentation of collisions shall be as prescribed by the CHP Collision Investigation Manual (CIM). The Alliance Traffic template will be used in place of the CHP form 555. In some instances the 555-03 will be used to document traffic collisions. The collision will be documented as a traffic collision investigation, or a traffic collision report. It is the investigating officer's responsibility to conduct a traffic collision investigation unless facts dictate that a traffic collision report is needed.

- (a) Every collision report and collision investigation will have a sketch drawn of the accident scene, except in the event of a counter report or a late report, in which case a sketch is optional.
- (b) Every fatal collision investigation or major injury collision will have a factual diagram completed, using measurements to depict the scene in its proper proportion.
- (c) In the event a person comes to the department to file a property damage only report, or hit and run collision report with no suspect information or investigative leads, an officer will be assigned to contact the reporting party and complete a report. The CHP form 555-03 may be used if the hit and run has no investigative leads, involves no more than two parties, or if the property damage only collision is closed with no punitive findings.
- (d) An officer will be assigned to contact any person making a late report at the police department of an injury collision or a hit and run collision report with suspect information or investigative leads. This collision investigation will be documented on the Alliance Traffic template.
- (e) Financial responsibility/insurance information will be obtained and recorded on all documented collisions. If a party involved in a collision is not in compliance with § 16020 of the Vehicle Code, the investigating officer should issue a citation for the appropriate violation.

#### **502.4.1 COLLISION "INVESTIGATION" NARRATIVE FORMAT/HEADINGS**

- (a) The purpose of the narrative is to provide a description of the collision and allow the officer to present facts, statements, and evidence relevant to the collision.
- (b) Do not enter opinions in the Facts section. Omit sections not applicable.
- (c) Headings

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1. Notification
    - (a) Type and time of call, response location and arrival time
    - (b) Statement that speeds and measurements are approximate and how obtained, e.g., rolatape, pacing, etc.
  2. Scene Description:
    - (a) Road alignment, surface, etc.
    - (b) Fixed or other objects.
    - (c) Type(s) of traffic controls.
  3. Parties:
    - (a) Party's name, how identified, and how determined as the driver.
    - (b) Passenger(s)/witness (es) names and how identified.
    - (c) Location and condition of vehicle(s).
  4. Physical Evidence:
    - (a) Type of skid mark, location, and length.
    - (b) Debris and vehicle parts
    - (c) Other physical evidence: Evidence must be noted at this portion of the narrative unless it is described in the legend.
    - (d) Disposition of evidence collected
    - (e) Photographs
  5. Hit and Run:
    - (a) Description of suspect vehicle, party and clothing.
    - (b) Who can identify suspect and place him/her behind the wheel at the scene.
    - (c) Summary of follow-up actions or explanation as to why follow-up was not possible.
  6. Other Factual Information:
    - (a) Driver license suspensions, restrictions, etc., party's physical defects or injuries, etc.
  7. Statements: Need not be verbatim but should record pertinent substance of statement eliminating unnecessary detail.
    - (a) Identify parties and witnesses by number and last name.
    - (b) If statement is obtained by question and answer technique, include both question and answer.
    - (c) Statements need not repeat previous statements.
    - (d) If no statement is obtained, document this.
    - (e) If not previously noted, indicate location of witness at time of observance.
  8. Opinions and Conclusions
    - (a) Summary:
      1. Opinion of how the collision occurred based on physical evidence, statements, etc.
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2. Should be a complete description of how collision occurred.
- (b) Area of Impact:
  1. State how area of impact (AOI) was determined, e.g., physical evidence statement, etc.
  2. Locate AOI with minimum of two measurements.
  3. If more than one AOI, repeat 2.a and 2.b for each.
- (c) Intoxication Narrative:
  1. Party's actions.
  2. Field Sobriety tests that were given.
  3. How the erratic driving and/or intoxication were proven or disproved
  4. Location, description, disposition, and who discovered alcohol/drug.
- (d) Cause:
  1. Record who was at fault and how fault was determined by primary collision fact.
  2. In felony cases, include how the act of negligence was the proximate cause of the injury.
  3. Indicate if requesting prosecution, including all charges sought (attach notice to appear to report, if applicable).
- (e) Recommendations:
  1. Note any follow-up action needed.
  2. Include if requesting district attorney's review.
  3. If no recommendations, state "none", and indicate why a citation or complaint is not requested.

#### **502.4.2 COLLISION "REPORTS" NARRATIVE FORMAT/HEADINGS**

The following report format will be used for traffic collisions meeting the requirements for a Traffic Collision "Report".

- (a) Headings
    1. Notification
      - (a) Type and time of call, response location and arrival time.
      - (b) Statement that speeds and measurements are approximate and how obtained, e.g., relative, pacing, etc.
    2. Statements.
    3. Summary:
      - (a) Time sequential summary of what occurred, including the following:
        1. Vehicle lane, direction of travel, speed, etc.
        2. Driver actions, defective equipment, etc.
        3. Had been drinking information.
    4. Area of Impact:
      - (a) Indicate how determined.
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5. Cause:
    - (a) Record who was at fault and how fault was determined by primary collision factor.
  6. Recommendations:
    - (a) Indicate if requesting prosecution; including all charges sought (attach notice to appear to report, if applicable).
    - (b) If no recommendations, state "none", and indicate why a citation or complaint is not requested.
    - (c) Late and Counter Collision Reports
- (b) All hit and run cases with identifying suspect information will have no arbitrary time limit imposed and will be handled as a collision investigation.
- (c) Persons requesting to document an injury traffic collision away from the scene, within 72 hours of the collision, will be assisted by an officer. The officer will write the report as a collision "investigation" (late report-special conditions box).
1. If the injury collision report is made more than 72 hours after the time of the collision, an officer will complete a collision "report" on the Alliance Traffic template, with an "injured persons" page. The reporting party will be advised the report will be classified as a late collision report, and will be available for insurance purposes. The officer will inform the reporting party that the case will not be investigated further. The officer will mark "late report" in the special conditions box.
- (d) Persons requesting a collision report with property damage only, or a hit and run with no follow-up information after 24 hours from the time of the accident, will be assisted by an officer who may complete a collision report on a CHP form 555-03. The reporting party will be advised the report will be available for insurance purposes and that there will be no further investigation.

### **502.5 TRAFFIC COLLISIONS INVOLVING (NON-POLICE) CITY OF SANTA CRUZ VEHICLES**

- (a) All collisions involving City owned vehicles being operated by non-police employees shall be investigated by this department using the Alliance Traffic template.
- (b) When a collision occurs involving a City of Santa Cruz employee, or a City owned vehicle, an attempt to contact the employee's supervisor and the risk manager shall be made so they may respond to the scene.
- (c) Any request for the CHP to investigate a collision involving a City owned non-police vehicle shall be made at the management level. Typically, this request is only made in collisions involving severe injury or death.
- (d) Traffic enforcement action will be taken in accordance with department policy.
- (e) The Traffic Supervisor or Manager shall review all collisions involving City personnel, or City owned vehicles.

### **502.6 TRAFFIC COLLISIONS INVOLVING POLICE VEHICLES/PERSONNEL**

- (a) Except in cases noted in § 502.61, all collisions involving on-duty Santa Cruz Police Employees operating police department vehicles will be investigated as a Traffic Collision Investigation.

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- (b) The on-duty shift supervisor will request the CHP to investigate the following types of collisions involving police vehicles:
  - 1. Collisions involving a police vehicle and one or more moving vehicles
  - 2. A collision resulting in an injury
- (c) The on-duty supervisor or their designees shall investigate the following types of collisions:
  - 1. Collisions involving only police department personnel and vehicles, resulting in damage only.
  - 2. Collisions involving police vehicles and a parked vehicle, resulting in damage only.
- (d) Under no circumstance will an officer investigate a collision in which he/she is involved.

#### **502.6.1 EXCEPTIONS TO SUPERVISOR'S REPORT**

A supervisor shall document a collision on a "**Confidential City of Santa Cruz Vehicle Deficiency Report**" with supporting information on an attached memo, under the following circumstances:

- (a) The collision involved a police vehicle and City of Santa Cruz Property only
- (b) The damage estimate is less than \$750

#### **502.6.2 SUPERVISOR POST-COLLISION RESPONSIBILITIES**

- (a) Photographs shall be taken of all involved vehicles by the on-duty supervisor or their designee
  - (b) The Traffic Supervisor will review the collision investigation document for its content and to ensure it is complete.
  - (c) The on-duty supervisor will complete the **Confidential City of Santa Cruz Vehicle Accident Report**. The purpose of this confidential form is to assist the City Attorney and Risk Manager. Once completed, the form shall be signed by the supervisor and immediately routed to the driver's Division Commander in a sealed envelope. The Division Commander will sign the form and route it to the Risk Manager (via the Administration AAIII under the Attorney-Client Privilege). The completion of this form does not negate the requirement for the supervisor to contact the Risk Manager immediately.
- (a) When the C.H.P. conducts the collision investigation, the on-duty supervisor shall initiate an **Outside Agency Report** case in Alliance. At a minimum, the report will include the following:
    - 1. Date and time of occurrence
    - 2. Names of all the parties involved and witnesses to the collision
    - 3. Information on all vehicles involved in the collision
    - 4. A narrative statement to refer to the C.H.P. investigation.

#### **502.6.3 RECORDS PROCESSING**

In cases where the CHP conducts the investigation, a copy of the CHP investigation is to be routed to Records. When the Records Section receives the C.H.P. report, they will scan the report and attach it to the Alliance case.

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#### **502.7 FATAL AND MAJOR INJURY TRAFFIC COLLISIONS**

Fatal and/or major injury traffic collisions require additional attention and direction. In these cases the following procedures will be followed.

- (a) Notifications:
  - 1. The on-duty field supervisor shall be notified and respond to the scene of all major injury or fatal traffic collisions.
  - 2. The on-duty team Watch Commander and the Traffic Supervisor shall be notified immediately of collisions involving major injury or death to any party. All shall respond to the scene of all fatal collisions.
  - 3. The Watch Commander shall be responsible for notifying the appropriate chain of command, as soon as practical. Immediacy of the notification will depend on the circumstances at the discretion of the Watch Commander.
- (b) The on-duty Patrol Supervisor will assign a Traffic Collision Investigator as soon as possible to assist in and direct the investigation.
- (c) If a designated Traffic Collision Investigator is not on-duty at the time of the collision, one of the Traffic Collision Investigators will be called out. A call-out list for major Traffic Collision Investigators shall be maintained by the Traffic Section Supervisor for NETCOM.
- (d) If a fatality has occurred and there is sufficient information to indicate a potential criminal filing, the district attorney's office will be notified. The responsibility for notification rests with the Traffic Supervisor. The Investigation Section Commander may be called upon to assist.
- (e) The City Risk Manager shall be notified of all fatal traffic collisions. Immediacy of notification will depend on circumstances at the discretion of the Watch Commander.

#### **502.7.1 REPORT ROUTING**

- (a) Records will immediately complete and route all information obtained during the initial investigation to the Operations Division where it will be reviewed and approved by one supervisor designated by the Watch Commander.
- (b) Reports will be held in the Patrol Supervisor's office until all initial reports are in. The reports shall be placed in a folder clearly labeled as to its contents. Included in the folder with the reports shall be the Major Case Coordination Guide.
- (c) The Watch Commander (Lieutenant), the designated Supervisor (normally the Traffic Supervisor) and the assigned Traffic Collision Investigator shall review all initial investigation reports, and outline those areas requiring additional follow-up. The Watch Commander or Supervisor will approve the reports when complete.
- (d) After approval, Records will then route copies as required.

#### **502.7.2 FOLLOW UP INVESTIGATION**

- (a) The Traffic Section Supervisor shall be responsible for the supervision of the collision investigation. A Traffic Collision Investigator will be designated as the primary investigator, and will be relieved from regular patrol duties until the completion of the investigation. In the event additional assistance is needed, the Traffic Section Supervisor will meet with the Watch Commander to coordinate the resources needed to complete the follow-up investigation.

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- (b) In the event that the assigned Traffic Collision Investigator is unable to complete the necessary follow-up investigation prior to commencing his/her normal days off, the investigator shall meet with the Traffic Section Supervisor to develop a follow-up plan.

#### **502.7.3 ON-DUTY EMERGENCY VEHICLE FATAL COLLISIONS**

- (a) Cases involving a law enforcement officer employed within the County of Santa Cruz will be investigated per those procedures outlined in the Critical Incident Protocol.
- (b) On-duty collisions with injuries or death involving Santa Cruz Police vehicles will be investigated by the California Highway Patrol as per § 502.6 of this Policy.

#### **502.8 CHP MULTIDISCIPLINARY ACCIDENT INVESTIGATION TEAM (MAIT)**

- (a) MAIT is designed to supplement the CHP's normal accident investigation efforts, as well as conduct in-depth investigations to determine the collision events that are significant in accident causation.
- (b) The on-duty Watch Commander shall be responsible for making MAIT requests. If possible, the Traffic Section Supervisor shall respond to coordinate/assist with any MAIT call out.
- (c) All requests for MAIT must be directed to the local CHP Area Commander.
- (d) Criteria for requesting MAIT:
  - 1. SHALL call when:
    - (a) A severe or fatal injury collision involving an on-duty CHP or Caltrans employee.
  - 2. SHOULD call when:
    - (a) Any collision occurs where there are four or more fatalities occur.
    - (b) Any collision with two or more fatalities involving any vehicle or combination of vehicles described in Vehicle Code § 34500.
    - (c) Any collision which results in the spillage or leakage of a significant amount of hazardous material and seriously threatens life and/or property.
    - (d) Any collision in which the Department has been notified that Investigators from the National Transportation Safety Board (NTSB) will be responding to conduct a parallel investigation.
  - 3. MAY call when:
    - (a) Any severe or fatal injury collision involving a possible roadway defect as a primary cause or contributing factor.
    - (b) Any collision where there is an indication that an involved vehicle has a manufacturing defect which was the primary cause or contributing factor.
    - (c) Any collision where there is a need for an in-depth speed analysis.

## Traffic Collision Review

### **503.1 PURPOSE AND SCOPE**

This policy sets out the procedure for administrative review of all traffic collisions involving on-duty personnel.

### **503.2 REVIEW**

All traffic collisions involving on-duty personnel will be reviewed by the employee's manager. Those collisions involving a management employee or above will be reviewed by the next highest ranking member of the department. The person conducting the review will obtain all documents related to the event as soon as they are available. Upon receipt of all documents, the reviewer will provide the employee(s) involved in the collision with a copy of the documents. The employee has the option, within 10 days from receipt of the documents, to provide the reviewer with any additional information (in writing) they deem pertinent to the case. Within 10 days of receipt of the documents from the involved employee(s), the reviewer will evaluate the case and make a written recommendation to the Deputy Chief of the employee's Division as to whether any further action/corrective measures should be taken. The Deputy Chief will review the recommendation and make the final determination as to whether any further action is necessary. If further corrective action is necessary, the reviewer will take such action in accordance with department policy.

### **503.3 RETENTION OF INFORMATION**

Retention of documents related to collision review will follow the records retention schedule.



## Vehicle Towing Policy

### **510.1 PURPOSE AND SCOPE**

This policy provides the procedures for towing a vehicle by or at the direction of the Santa Cruz Police Department.

### **510.2 RESPONSIBILITIES**

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### **510.2.1 COMPLETION OF CHP FORM 180**

Department members requesting storage of a vehicle shall complete CHP form 180, including a description of property within the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to the Records Section as soon as practical after the vehicle is stored. Photographs of all exterior sides of the towed vehicle and posted no-parking/tow-away signs shall be taken prior to removal.

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.

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 to all such individuals shall be sent by first-class mail pursuant to Vehicle Code § 22852.

#### **510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION**

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 the Communications Center.

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 a rotation tow for the City of Santa Cruz . The officer will then store the vehicle using a CHP form 180 per guidelines set in § 10.21.

#### **510.2.3 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.

### **510.3 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. However, a vehicle shall be stored whenever it is needed for the furtherance of an investigation or prosecution of the case or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored , for example,

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### *Vehicle Towing Policy*

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the vehicle would present a traffic hazard if not removed or due to a high crime area the vehicle would be in jeopardy of theft or damage if left at the scene.

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 occupant was arrested.
- Whenever the vehicle was not involved in criminal activity and the licensed owner of the vehicle is present, willing and able to take control of the vehicle.
- 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 handling employee shall note in the report that the owner was informed that the Department will not be responsible for theft or damages.

#### **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.

#### **510.5 VEHICLE SEARCHES**

Vehicles may be searched when one or more of the following conditions are met:

- (a) When probable cause to search the vehicle exists.
- (b) With consent of the operator.
- (c) Incident to an arrest of the occupants of the vehicle.
- (d) To search for weapons.
- (e) When necessary to examine the vehicle identification number or to determine the ownership of the vehicle.
- (f) Under emergency circumstances not otherwise enumerated above.
- (g) Pursuant to a valid search warrant.

#### **510.6 SECURITY OF VEHICLES AND PROPERTY**

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g. cash, jewelry, cell phone, prescriptions) which are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft or damage, search personnel shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

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## 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 Santa Cruz 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) and 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(d)). The Traffic Supervisor or designee 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) and 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) and 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 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

## **Drunk Driving and Evidence Collection**

### **514.1 PURPOSE AND SCOPE**

This policy explains the procedures to be followed while collecting evidence to establish the blood alcohol level of drivers arrested for driving while intoxicated, unconscious drivers, and unconscious pedestrians involved in traffic collisions because of their intoxicated state.

### **514.2 CHEMICAL TESTING**

Blood, breath, and urine tests will be administered at the appropriate facility. If a suspect is hospitalized, a blood sample may be taken at the hospital. A suspect who is unable to submit to a chemical test because of any of the following shall not be considered as refusing to comply with the provisions of Vehicle Code § 13353:

- Because of the inability of the Department to furnish a selected test
- If there are verifiable medical reasons for non-compliance
- If an attending physician refuses to allow it

#### **514.2.1 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL**

Based on probable cause, the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the attending physician objects for medical reasons, the blood or urine samples will be collected in the prescribed manner.

#### **514.2.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL**

When there is probable cause to believe that an unconscious driver is under the influence, there is no method of informing the individual of the arrest; nor can there be any verbal consent on the part of the suspect to allow one of the two possible chemical tests at the hospital to determine his/her blood alcohol level. This presents an exigent situation, which excuses the requirement of consent. The officer shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

#### **514.2.3 UNCONSCIOUS PEDESTRIAN AT A HOSPITAL**

When there is probable cause to believe that an unconscious pedestrian has been involved in a traffic collision because of his/her intoxicated condition, a blood sample may be extracted as evidence. The officer shall advise the attending physician of his/her intention to extract a blood sample, and unless the physician objects for medical reasons, the sample will be collected in the prescribed manner.

#### **514.2.4 EMERGENCY DOCTRINE**

Under the emergency doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. Policy Manual §§ 514.22 and 514.23 of this chapter come within the guidelines of the emergency doctrine.

# Santa Cruz Police Department

## Policy Manual

### *Drunk Driving and Evidence Collection*

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#### **514.2.5 COLLECTING BLOOD EVIDENCE**

Only a certified phlebotomy technician, licensed physician, nurse or other individual authorized by Vehicle Code § 23158(a) may withdraw a blood sample. Whether such evidence is collected, the withdrawal of the blood sample shall be witnessed by the assigned officer.

#### **514.2.6 FORCED WITHDRAWAL OF BLOOD**

Blood may be taken by force in any felony or in a misdemeanor drunk driving investigation when the suspect, after having been advised of his or her rights per Vehicle Code § 13353, refuses to take a chemical test. If the suspect makes a timely and reasonable request to undergo a different and viable form of testing, such request shall be considered. Blood may only be taken by force when the following circumstances have been met:

- The suspect must be in custody and the officer must have reason to believe the suspect is under the influence
- The blood is taken in a medically approved manner
- Only reasonable force may be used to restrain the arrestee

A supervisor shall be present when blood is forcibly extracted from a suspect who is uncooperative or has refused a chemical test, except when the supervisor's presence is required at another on-going emergency incident. The amount of force used to accomplish the collection of this evidence will be reasonable.

When a suspect cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant under the direction of a physician for a heart condition, he or she shall not be required to take a blood test.

#### **514.2.7 COLLECTING BREATH AS EVIDENCE**

An officer trained in the use of the E-PAS will record the blood alcohol level by obtaining samples of the suspect's breath.

#### **514.2.8 COLLECTING URINE AS EVIDENCE**

If the arrested person chooses a urine test, as permitted by law, he/she shall be promptly transport to the police department or Jail. The officer shall follow the directions listed on the container instruction sheet. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

The collection kit shall then be marked accordingly with the suspect's name, offense, department, case number, and the name of the witnessing officer.

The collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

Urine samples shall be collected and/or witnessed by an officer or matron of the same gender as the suspect.

## Citations

### **516.1 PURPOSE AND SCOPE**

This policy outlines the responsibility for infraction citations, the procedure for dismissal, correction, and voiding of citations.

### **516.2 RESPONSIBILITIES**

The Records Manager shall be responsible for the development and design of all Department citations in compliance with state law and the Judicial Council.

The Records Manager or designee shall be responsible for the supply and accounting of all citations issued to employees of this department.

### **516.3 DISMISSAL OF 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)).

Should an officer determine during a court proceeding that a 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.

### **516.4 VOIDING CITATIONS**

Voiding a citation may occur when a 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.

### **516.5 CORRECTION OF CITATIONS**

When a citation is issued and in need of correction, the officer issuing the citation shall submit the citation and the amendment to the Records Section. The citation shall then be forwarded to Traffic Court.

### **516.6 DISPOSITION OF INFRACTION CITATIONS**

The court and file copies of all citations issued by members of this department shall be forwarded to the Records Section for processing.

## 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.

### **520.3 EXTENT OF 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 shall only be used to relocate vehicles to a position of safety and is not considered a mechanical repair.

## **Abandoned Vehicles and 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 Santa Cruz City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

### **524.2 MARKING VEHICLES**

Vehicles suspected of being in violation of the City of Santa Cruz 72-Hour Parking Ordinance shall be marked and noted on the Santa Cruz Police Department Abandoned Vehicle Form SCPD-024. All Abandoned Vehicle forms shall be submitted to the Traffic Unit Abandoned Vehicle Abatement Officer. 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.

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 re-marked for the 72-hour parking violation and an Abandoned Vehicle Form SCPD-024 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.

#### **524.2.1 MARKED VEHICLE FILE**

The Traffic Unit shall be responsible for maintaining a file for all Abandoned Vehicle Forms.

The Abandoned Vehicle Abatement Officer assigned to the Traffic Unit shall be responsible for the follow-up investigation of a 72-hour parking violations noted on the Abandoned Vehicle Form SCPD-024.

#### **524.2.2 VEHICLE STORAGE**

Any vehicle in violation may be stored by the authorized towing service and a vehicle storage report (CHP form 180) 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 and 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



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## Policy Manual

### *Abandoned Vehicles and 72 Hour Parking Violations*

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to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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## Administrative Per Se Law (APS)

### 526.1 PURPOSE AND SCOPE

This policy provides for the immediate suspension of California driver's licenses in certain Driving Under the Influence (DUI) cases and in Zero Tolerance incidents. Vehicle Code §§ 13382 (a) and (b), and 13388 (b) require that peace officers immediately suspend driving privileges in certain situations involving arrests for Vehicle Code §§ 23152 and 23153. This policy also describes the policy dealing with Zero Tolerance laws.

### 526.2 SUSPENSION OF CALIFORNIA DRIVER'S LICENSES

The driver's license of a person suspected of driving under the influence of alcohol, shall immediately be suspended under any of the following circumstances:

- (a) The arrestee refuses to submit to a chemical test
- (b) The arrestee fails to complete the selected test
- (c) The arrestee declines a breath test and demands a blood or urine test, and, the arresting officer has reasonable cause to believe that the arrestee's Blood Alcohol Content (BAC) will exceed the .08-percent level
- (d) The arrestee completes the breath tests which show a BAC of .08-percent or higher

#### 526.2.1 ZERO TOLERANCE LAW

Vehicle Code §§ 23136 & 23140 were enacted to reduce alcohol related incidents by persons under the age of 21-years. A person under 21-years years of age may have his or her license suspended under the following circumstances:

- (a) When suspected of consuming alcohol and refusing a PAS test
- (b) Who has a blood-alcohol level of .01-percent or greater

Zero Tolerance requires a Preliminary Alcohol Screening (PAS) device as the primary test. If the device is not available, one of the other chemical tests must be completed. Under Zero Tolerance, only the PAS device result is required. If, based on the PAS results, the driver's blood alcohol reading warrants arrest and further chemical testing, the Department of Motor Vehicles does not require completion of the chemical test section of the DS367m form. Once the PAS certification is complete, the Zero Tolerance requirement has been met.

### 526.3 PEACE OFFICER'S RESPONSIBILITY

In any of the above situations, the peace officer, acting on behalf of the Department of Motor Vehicles, shall do the following:

- (a) Confiscate any California driver's license(s) in the possession of the driver. If the subject has an Admin Per Se (APS ) temporary license document, do not confiscate.
- (b) Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s - Officer's Statement and Order of Suspension), 4th page on the driver, regardless of license status.
- (c) The officer will inform the driver that the "Administrative Per Se Order of Suspension", form DS367, DS367m or DS367s' along with his/her violator's notice to appear (except Zero Tolerance) or other release from custody document, will serve as the driver's temporary license. If the driver's privilege to drive is suspended or revoked,

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## Policy Manual

### *Administrative Per Se Law (APS)*

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the order will not be a valid temporary license. If the subject presents an Admin Per Se suspension order/temporary license, do not confiscate the order but do issue another order pursuant to the current DUI arrest.

#### **526.4 DEPARTMENT OF MOTOR VEHICLES NOTIFICATION**

The following specified items must be forwarded to the Department of Motor Vehicles within five regular business days:

- (a) Officer's Statement form DS367 or DS367m (Minor) or DS367s (Spanish)
- (b) Order of suspension (form DS367, DS367m or DS367s, pages 2 and 3)
- (c) Copy of the printout of the breath test (if taken)
- (d) Traffic collision report if applicable
- (e) The offender's driver's license

#### **526.5 PROCESSING OF FORMS**

In order to ensure that the Department of Motor Vehicles and Police Department forms are routed properly, the following responsibilities are identified:

##### **526.5.1 SUPERVISORY APPROVAL**

The Watch Commander, or the supervisor responsible for approving reports, shall collect the documents described in Policy Manual § 526.4, review for completeness (dates, times, signatures, etc.) and forward the originals of the documents to the Traffic Bureau.

##### **526.5.2 RECORDS SECTION RESPONSIBILITY**

The records section is responsible for the following:

- (a) Copies of documents required by DMV are to be made for the department files and the originals are then to be forwarded to the Department of Motor Vehicles;
- (b) Providing a copy of DMV form DS367, DS367m or DS367s to the Records Section
- (c) One copy of the Forensic Alcohol Examination Report shall be attached to the second copy of form DS367, which shall then be forwarded to the Records Section
- (d) The Traffic Bureau is also responsible for keeping and updating a case log on all persons arrested for drunk driving. Information on that log shall include:
  - 1. Case number
  - 2. Arrested driver's name
  - 3. The date the forms were received in the Traffic Bureau
  - 4. The date the forms were returned to the officer for corrections if applicable
  - 5. The date form DS367 was mailed to the DMV
  - 6. Which test the arrested driver chose

If the Department of Motor Vehicles should return form DS367, DS367m or DS367s for corrections, the Traffic Section must notify the officer who made the arrest of the needed corrections. The officer shall make the corrections by lining out the incorrect information with a single line and initialing above the corrected area, including the date the correction was made.

White out and strikeouts are not acceptable forms of correction. The form(s) shall then be returned to the Records Section to be returned to the Department of Motor Vehicles.

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### *Administrative Per Se Law (APS)*

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#### **526.5.3 PROPERTY OFFICER RESPONSIBILITY**

It is the responsibility of the property officer to promptly deliver physiological specimens to the designated crime lab as soon as possible after receipt to ensure that the above time requirements are met.

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**Chapter 6 - Investigation Operations**

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## Sexual Assault Victims' DNA Rights

### 602.1 PURPOSE AND SCOPE

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

### 602.2 INVESTIGATION CONSIDERATIONS

#### 602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that their name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

#### 602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a, or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
- (b) If 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(b)(1)).
  1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of their right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
  2. A support person may be excluded from the examination by the officer or the medical provider if their presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

### 602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) 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(i)(1)(A) and (B).

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## Policy Manual

### *Sexual Assault Victims' DNA Rights*

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- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

#### **602.4 VICTIM NOTIFICATION OF DNA STATUS**

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
  - 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 victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
  - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
  - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
  - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
  - 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 to or expected to release any information which might impede or compromise any ongoing investigation.

#### **602.5 DESTRUCTION OF DNA EVIDENCE**

If, with the approval of a Deputy Chief, it is determined that rape kit evidence or other crime scene evidence from an unsolved sexual assault is going to be destroyed or disposed of prior to the expiration of the statute of limitations set forth in Penal Code § 803, the assigned officer shall provide the victim of the sexual assault with written notice of the intent to do so no less than sixty (60) days prior to the destruction or disposal of such evidence.

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## Asset Forfeiture Policy

### 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

### 606.2 ASSET SEIZURE AUTHORITY

Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488a specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

### 606.3 ASSET FORFEITURE PROCEDURE

Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a patrol officer shall contact a Field Supervisor. 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, for review
- (c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. If a defendant has not given a Miranda waiver before an interview regarding assets, the detective will conduct a further criminal interview as necessary
- (d) Attempt to promptly determine all lienholders 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 Office of the District Attorney.

#### 606.3.1 SEIZED PROPERTY

Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.



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### *Asset Forfeiture Policy*

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The property will be booked 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.

#### **606.3.2 SEIZED CURRENCY**

Currency seized subject to forfeiture will be counted by the seizing officer and a field 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 field 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.

Currency seized will be booked into property as evidence. The Asset Forfeiture Detective and a Sergeant will count the currency and photocopy the currency. The photocopy will be booked into property as evidence and the currency will be given to the payroll clerk. The payroll clerk will take the money to Finance where it will be placed into the SCPD Asset Forfeiture Holding Account.

#### **606.3.3 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.

#### **606.4 ASSET FORFEITURE LOG**

A computerized inventory of all asset forfeiture cases shall be kept by the Investigation Section Commander. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

#### **606.5 PROCEEDS FROM FORFEITURE**

Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.

## **Confidential Informants/Minor Decoy**

### **608.1 PURPOSE AND SCOPE**

In many instances, a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Santa Cruz Police Department and the officers using informants, it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

### **608.2 INFORMANT FILE SYSTEM**

The Investigations Commander or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

#### **608.2.1 FILE SYSTEM PROCEDURE**

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Informant's name and/or aliases
- (b) Date of birth
- (c) Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
- (d) Current home address and telephone numbers
- (e) Current employer(s), position, address(es) and telephone numbers
- (f) Vehicles owned and registration information
- (g) Places frequented
- (h) Informant's photograph
- (i) Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
- (j) Name of officer initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Investigations Section. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Deputy Chief, the Investigations Commander, or their designees.

### **608.3 USE OF INFORMANTS**

Before using an individual as a confidential informant, an officer must receive approval from the Investigations Section Commander. The officer shall compile sufficient information through a background investigation in order to determine the reliability and credibility of the individual.

# Santa Cruz Police Department

## Policy Manual

### *Confidential Informants/Minor Decoy*

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#### **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.

#### **608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS**

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

#### **608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS**

No member of the Santa Cruz 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 Santa Cruz 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
- (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 Santa Cruz 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 Investigations Commander
- (g) Officers shall not meet with informants of the opposite sex in a private place unless accompanied by at least one additional officer or with prior approval of the Investigations Commander. Officers may meet informants of the opposite sex alone in an occupied public place such as a restaurant. When contacting informants of either sex for the purpose of making payments officers shall arrange for the presence of another officer.

#### **608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES**

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

# Santa Cruz Police Department

## Policy Manual

### *Confidential Informants/Minor Decoy*

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#### **608.5.1 PAYMENT PROCEDURE**

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant

The Investigations Commander will discuss the above factors with the Deputy Chief of Operations and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police.

#### **608.5.2 CASH DISBURSEMENT POLICY**

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

#### **608.5.3 PAYMENT PROCESS**

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

#### **608.6 MINOR DECOYS POLICY**

It is the policy of this department to establish procedures and standards relating to the recruitment, conduct and use of Minor Decoys involved in alcohol investigations conducted by the Santa Cruz Police Department.

##### **608.6.1 PROCEDURE RECRUITMENT OF MINOR DECOYS**

- (a) It is necessary for officers to recruit Minor Decoys for use in Shoulder Tap and Decoy programs. Often, Minor Decoys are recruited by officers through community groups or acquaintances. To maintain the integrity of the Shoulder Tap and Decoy Program it is important for Minor Decoys to be screened prior to their participation in the program.
- (b) Any minor wishing to volunteer their services as a Minor Decoy shall complete a Decoy Application and a Save Harmless and Indemnification Agreement.
- (c) The officer who receives the Decoy Application and Save Harmless and Indemnification Agreement will review them with the applicant and confirm the information contained on the application with the applicant. The officer will also confirm that the applicant understands the content of the Decoy Application and Save Harmless and Indemnification Agreement. The officer will sign the Decoy Application and Save Harmless and Indemnification Agreement after reviewing them with the applicant. The officer will witness the signature of the Decoy Application and Save Harmless and Indemnification Agreement by the applicant.
- (d) The Decoy applicant will be fingerprinted and will provide a copy of their DMV printout.
- (e) A file will be prepared after receipt of the signed Decoy Application and Save Harmless and Indemnification Agreement by the officer. The file will contain the Decoy Application, photo of the applicant, Save Harmless and Indemnification Agreement, DMV printout, and a local criminal history. This file will be stored in the Alcohol Enforcement Unit Supervisor's office.

# Santa Cruz Police Department

## Policy Manual

### *Confidential Informants/Minor Decoy*

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- (f) The Lieutenant in charge of the Alcohol Enforcement Unit will review the Decoy Applicant file for approval. The following is a guide for the selection of volunteers for the Decoy Program.
  - 1. Review of Decoy Application File for suitability.
  - 2. All Decoy Program applicants must meet the requirements as set forth in § 141 of the California Code of Regulations.
  - 3. If the decoy applicant is approved by the Lieutenant the application must then be approved by an Investigator from ABC.

#### **608.6.2 MINOR DECOY CONDUCT**

- (a) Minor Decoys will be working with officers in highly visible enforcement details. It is essential for the integrity of these details that a Minor Decoy's conduct in their personal life and in their volunteer duties be a credit to the Department. In this regard, Minor Decoys shall conduct themselves in a manner that does not reflect poorly upon the Department, the City, or Law Enforcement Profession. Minor Decoys shall report to the Supervisor of the Alcohol Enforcement Unit any Law Enforcement contacts they have had, whether or not enforcement action was taken.
- (b) While working as volunteers Minor Decoys may receive information regarding ongoing operations of the Department. Decoys shall not release information on operations of the Department which may in any way hinder the effective performance of the Department's operations.
- (c) If a Minor Decoy fails to adhere to the above requirements they shall be terminated from the Department's volunteer program.
- (d) Minor Decoys will wear appropriate clothing while participating in the volunteer program. "Appropriate" as used above means modest clothing which is appropriate for a person of the Minor Decoy's age. Minor Decoys who wear inappropriate clothing will not be allowed to participate in the volunteer program.

#### **608.6.3 USE OF MINOR DECOYS**

- (a) Prior to the use of a Minor Decoy, the steps outlined in the recruitment procedure will have been completed.
- (b) Prior to conducting a Minor Decoy Program or Shoulder Tap operation, a tactical plan will be completed and a briefing conducted. The tactical plan will conform to Departmental requirements. The briefing will be attended by those participating in operation and other appropriate personnel.
- (c) During an operation, the Minor Decoy's safety is paramount. If a hazardous situation is identified, the operation will cease until the hazard has been abated.
- (d) After every operation an OIC Report will be completed by the Case Officer or other designated officer. The OIC Report will be routed per Department policy.

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## Expert Information Account

### 609.1 PURPOSE AND SCOPE

The purpose of this policy is to establish accounting and control procedures for the expert information account.

### 609.2 POLICY

It is the policy of this Department to maintain stringent control over all expert information account monies by this agency, and to ensure that the funds are used only for authorized purposes.

### 609.3 DEFINITIONS

**Expert Information Account:** The Department's accounting and banking system that provides officers with investigative expense monies.

**Expert Information Account Custodian:** The employee(s) responsible for dispensing and monitoring the use of investigative funds by officers:

- (a) Deputy Chief of Administration
- (b) Investigation Section Commander

### 609.4 PROCEDURES

The expert information account custodian shall have the following responsibilities with respect to the department's expert information account:

- (a) Maintenance of the account in accordance with all appropriate laws and procedures.
- (b) Proper disbursements and deposits.
- (c) Bookkeeping and banking procedures.
- (d) Maintenance of file containing copies of all relevant account transaction documents.
- (e) Purging of the account records in accordance with state records retention provisions.
- (f) An annual audit of the expert information account shall be performed by an independent accounting authority from outside the department in order to evaluate the continued integrity of the fund, and the need for any additional controls.
- (g) The expert information account custodian shall make disbursements from the account only to authorized personnel for the following purposes:
  - 1. Payments made directly to confidential informants.
  - 2. Investigative funds for the purchase of illegal drugs, contraband and other criminal evidence.
  - 3. Purchases of food and beverages for a confidential informant, victim, or witness.
  - 4. Expenditures for authorized undercover operations/major case investigations.
  - 5. Flash and front money.
- (h) The expert information account custodian shall not be permitted to make disbursements from the account to himself/herself.

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## Policy Manual

### *Expert Information Account*

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- (i) Expert information account transaction records shall be stored in a secured location (Investigation Section Commander's safe) and access shall be restricted in accordance with applicable laws, ordinances and departmental procedures.

#### **609.5 WITHDRAWALS AND EXPENDITURES FROM ACCOUNT**

- (a) All officers seeking to make a withdrawal from the account must first obtain approval from their immediate supervisor.
- (b) Prior to issuance of any money from the expert information account, the officer will complete and submit a request voucher to the account custodian for approval.
- (c) The expert information account custodian shall keep the original of the request voucher and return a copy back to the requesting officer as a receipt acknowledging that funds were requested and received by the officer.
- (d) Authorized officers needing money for an operation shall withdraw such funds at the convenience of the account custodian.

#### **609.6 ACCOUNTING FOR EXPENDED FUNDS**

- (a) All officers receiving expert information account monies shall complete a written expense report, accounting for all the monies withdrawn from the account, as soon as practical after the expenditure of the funds. This report may be written on the officer's copy of the request form in the space provided. If a lengthy explanation is necessary, additional pages can be attached. The report should include:
  - 1. A synopsis of what the money was spent on.
  - 2. Date, time and location of the expenditure.
  - 3. Copies of receipts, if applicable.
  - 4. Type of investigation.
  - 5. Case number, when applicable, or copies of the case.
- (b) Whenever possible for all funds expended, the officer issuing payment shall secure an appropriate receipt.
- (c) All unexpended money shall be returned to the expert information account custodian by the officer, as soon as practical, after the conclusion of the need. The account custodian will approve the completed voucher, sign the receipt of the money and deliver a copy of the voucher back to the officer.
- (d) Each officer may maintain a personal file containing a record of all expert information account transactions and copies of all relevant receipts and department request vouchers.

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## **Undercover Operations - First Amendment Activity**

### **610.1 PURPOSE AND SCOPE**

The Santa Cruz Police Department supports the right of citizens to freely associate without government interference, respects the protections afforded Americans by the First and Fourth Amendments to the Constitution of the United States and respects the right of privacy guaranteed to individuals under the State and Federal Constitutions. The following policy has been established for undercover operations with these precepts in mind.

### **610.2 UNDERCOVER OPERATIONS**

Members of the Santa Cruz Police Department shall not undertake an undercover criminal operation that entails the investigation of First Amendment activities of persons, community groups or organizations unless:

- (a) there is articulable and reasonable suspicion to believe that the subject of the investigation is planning criminal activity, or is engaged in criminal activity, that constitutes a hate crime or a crime that is reasonably likely to result in personal injury, property loss or property damage; and
- (b) the subject's First Amendment activities are relevant to the criminal investigation. Absent exigent circumstances that require an undercover investigation to commence immediately, the Police Department will not undertake any such undercover investigation unless it has first sought to gather information it seeks through direct and open communication with the subject of the investigation or the subject's membership. Authorized undercover investigations shall use the least intrusive techniques possible given the circumstances. Examples of less intrusive techniques include tactics such as researching departmental records or researching public records, the internet or other information sources accessible by the general public. When covert surveillance becomes necessary, the Police Department whenever feasible shall conduct that surveillance from a public location before undertaking surveillance from private property with or without the property owner's consent. Tactics employed by police personnel will comply with existing law, will not entail entrapment, and will not further criminal acts. Undercover officers shall not assume leadership positions in the organizations under surveillance and shall not attempt to direct organizational activities. Any such undercover investigation shall immediately cease when the investigation or other information reveals that the reasonable suspicion which prompted the investigation is unfounded.

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<sup>1</sup> For purposes of this policy the terms "undercover criminal investigation", "undercover investigation" and "undercover operation" shall be defined to include covert surveillance whether conducted from public or private property.

### **610.3 DOCUMENTATION - INVESTIGATION**

The Police Department shall keep no information or persons, community groups or organizations or their membership compiled pursuant to undercover investigations of First Amendment activity unless the information is directly related to a criminal investigation or criminal act referenced in Section 610.2. The maintenance of any files, documentation,



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## Policy Manual

### *Undercover Operations - First Amendment Activity*

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photographs, etc. compiled pursuant to any such undercover investigation, shall comply with all state and federal laws and shall be maintained and disposed of pursuant to the Public Records Act and the City of Santa Cruz Records Detention Schedule. This provision shall not be construed to limit the Department's ability to film or photograph public events where police engagement is reasonably expected or for the purpose of supplementing a Department crime report or incident report; however any such film or photographs shall not be used in connection with the compilation of intelligence files regarding persons, community groups or organizations.

#### **610.4 APPROVAL**

Absent exigent circumstances that require the commencement of an immediate undercover investigation of First Amendment activity, any request to commence such an investigation shall be first made in writing to the Police Chief (or Acting Police Chief when the Police Chief is not available). The request will explain the need for the undercover investigation and the efforts made in accordance with this policy to obtain necessary information by less intrusive means. Prior to approving any such request the Police Chief (or Acting Police Chief when the Police Chief is not available) shall consult with the City Attorney's office. Where an immediate undercover investigation has been undertaken due to exigent circumstances, as soon as practicable after the investigation's commencement a memorandum shall be forwarded to the Police Chief (or Acting Police Chief when the Police Chief is not available) explaining the nature of the investigation, the circumstances that prompted the immediate commencement of the investigation and any pre-investigation efforts to obtain pertinent information by less intrusive means. Upon receipt of the memorandum, the Police Chief (or Acting Police Chief when the Police Chief is not available) shall consult with the City Attorney's office to determine whether the investigation should continue. No undercover investigation instituted per this policy shall extend for more than thirty days without the Police Chief's (or Acting Police Chief when the Police Chief is not available) authorization to extend the investigation. Extension authorizations may not exceed thirty days in duration.

#### **610.5 REPORTING**

On an annual basis, the Police Department Auditor shall report to the Public Safety Committee of the City Council the number of undercover operations conducted pursuant to this policy during the previous year. The Auditor shall review all such undercover investigations undertaken by the Police Department. The Auditor's annual report to the Public Safety Committee shall be a public record and shall delineate the number of undercover investigations of First Amendment activity undertaken by the Police Department, the number of authorizations sought for this type of investigation which were sought but denied, and the number of authorizations sought for this type of investigation which were sought and approved. If in the Auditor's opinion any actions of the Police Department constituted possible violations of this policy, the Auditor shall report this determination to the City Manager. The Auditor's report to the City Manager shall generally describe the nature of the possible violation and the Auditor's rationale for concluding that the Police Department's action possibly constituted a violation. The City Manager shall thereafter review the Police Auditor's report and take any administrative action deemed necessary by the City Manager including but not limited to directing the Police Chief to initiate an Internal Affairs investigation to determine if a policy violation did indeed occur.

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**Chapter 7 - Equipment**

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## Department Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF DEPARTMENTAL PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care and use of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline.

- (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) 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 a memo to the supervisor, detailing the circumstances of the loss and value of the item(s).

The supervisor shall direct the memo to the appropriate Division Commander for processing.

### 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 supervisor immediately.
- (b) A written report shall be submitted before the employee goes off duty. Damage occurring during enforcement action will be articulated in the crime report.

#### 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 supervisor immediately. The employee shall submit a written report to the supervisor before going off duty.

These written reports shall promptly be forwarded to the appropriate Division Commander.

## Vehicle Use Policy

### 706.1 PURPOSE & SCOPE

The Department utilizes city owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

### 706.2 USE OF VEHICLES

#### 706.2.1 SHIFT ASSIGNED VEHICLES

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Communications Center for entry of the vehicle number on the shift roster. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

#### 706.2.2 UNSCHEDULED USE OF VEHICLES

Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to personnel permanently assigned an individual vehicle (e.g., command staff, detectives), or to Property Section personnel assigned transportation duties to and from the maintenance yard, etc. Property Section personnel shall be responsible for maintaining records of the property transportation vehicles for a minimum of two years.

#### 706.2.3 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

#### 706.2.4 DETECTIVE BUREAU VEHICLES

Investigation Division vehicle use is restricted to detective personnel Monday through Friday from 7:00 AM to 5:00 PM unless approved by a detective supervisor. Investigation Division personnel shall record vehicle usage via the Sign-out Log maintained in the Division. After hour use of Investigation Division vehicles by personnel not assigned to the Investigation Division shall be recorded with the Watch Commander on the shift roster.

# Santa Cruz Police Department

## Policy Manual

### *Vehicle Use Policy*

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#### **706.2.5 AUTHORIZED PASSENGERS**

Personnel operating department owned vehicles shall not permit persons other than City employees or persons required to be conveyed in the performance of duty or as otherwise authorized to ride as a passenger in their vehicle.

#### **706.2.6 PARKING**

City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### **706.3 ASSIGNED VEHICLE AGREEMENT**

City owned vehicles assigned to personnel for their use within their job assignment may be used to transport the employee to and from their residence for work-related purposes. The employee shall sign an agreement setting the standard for how the vehicle shall be used and where it shall be parked when the employee is not on duty.

The agreement states that the vehicle shall only be used for work-related purposes and shall not be used for personal errands, or transports, unless special circumstances exist and the shift sergeant gives authorization. The agreement also requires the employee to be responsible for the vehicle's care and maintenance. The Department will provide necessary care/maintenance supplies.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

#### **706.3.1 VEHICLES SUBJECT TO INSPECTION**

All City owned vehicles are subject to inspection and or search at any time by a supervisor and no employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### **706.4 SECURITY**

Employees may take home City owned vehicles only with prior approval from their Division Commander and shall meet the following criteria:

- (a) The employee lives within a 15-minute (rules of the road obeyed and based on average traffic flow) response time of the Santa Cruz City limits.
  - 1. A longer response time may be appropriate depending on the special assignment of the employee. In that event, the response time shall not exceed 30 minutes.
- (b) Off-street parking shall be available at the employee's residence.
- (c) Vehicles shall be locked when not attended.
- (d) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to Firearms policy § 312 regarding safe storage of firearms at home).

# Santa Cruz Police Department

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### *Vehicle Use Policy*

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When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

#### **706.4.1 KEYS**

All uniformed field personnel approved to operate marked patrol vehicles shall be issued their own personal unit key as part of their initial equipment distribution upon hiring. Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

#### **706.5 ENFORCEMENT ACTIONS**

When driving an assigned vehicle to and from work outside of the jurisdiction of the Santa Cruz Police Department, an officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance, e.g. to a stranded motorist, when deemed prudent.

#### **706.6 MAINTENANCE**

- (a) Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.
  - 1. Employees may use the wash racks at the police facility or maintenance yards (trusties may be used to clean vehicles, when available).
  - 2. Cleaning/maintenance supplies will be provided by the department.
- (b) Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.
- (c) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.
- (d) Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.
  - 1. When leaving a vehicle at the maintenance shop, the employee will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
  - 2. Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from a supervisor

#### **706.6.1 ACCESSORIES AND/OR MODIFICATIONS**

No modifications, additions or deletions of any equipment or accessories shall be made to the vehicle without written permission from the for the Assigned Vehicle Program manager.

#### **706.7 ACCIDENT DAMAGE, ABUSE, AND MISUSE**

- (a) Any time a vehicle is involved in a traffic collision, either singularly or with another vehicle, an outside agency of authority will be requested to investigate the cause and responsibility. The employee involved in the collision shall complete the City provided vehicle accident form. If the employee is incapable, the supervisor shall complete the form.

# Santa Cruz Police Department

## Policy Manual

### *Vehicle Use Policy*

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- (b) Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift sergeant.
- (c) An administrative investigation will be conducted to determine any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

#### **706.8 TOLL ROAD USAGE**

Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on duty, are exempt from paying the toll. Commuting, or returning to the City after an emergency does not qualify for this exemption and personnel using City owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a City owned vehicle upon the toll road shall adhere to the following:

- (a) All employees operating a City owned vehicle for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the City for any toll fees.
- (b) All employees passing through the Toll Plaza or booth during a response to an emergency shall draft a memo to their respective Division Commander with five working days explaining the circumstances.

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**Chapter 8 - Support Services**



## Property Procedures

### 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 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 item(s).

#### 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.
  - (d) Place the case number in the upper right hand corner of the bag.
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# Santa Cruz Police Department

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### *Property Procedures*

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- (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 EXPLOSIVES**

Explosives that are known or suspected to be armed or live, other than fixed ammunition, should not be retained in the police facility. All fireworks, railroad flares, or fuses that are considered safe will be booked into the outside storage area.

Officers who encounter an explosive device shall immediately notify the field supervisor and/or Watch Commander. The Bomb Squad will be called to handle situations involving explosive devices and all such devices will be released to them for disposal.

#### **804.4 PACKAGING OF PROPERTY**

The Property Officer 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 Sheet.

A property number shall be obtained for each item or group of items. This number shall be recorded on Property Tag and the Property Sheet.

If, during the time the property is held by the Santa Cruz Police Department, the location of the property is changed, the change shall be noted in the Property Tracking System.

#### **804.5 PROPERTY CONTROL**

Each time the property officer receives property or releases property to another person, he/she shall enter this information on the property sheet. Officers desiring property for court shall contact the property officer at least one day prior to the court day.

##### **804.5.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the property officer. This request may be filled out any time after booking of the property or evidence.

##### **804.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY**

The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The property officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

# Santa Cruz Police Department

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#### **804.5.3 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 officer 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 sheet, indicating date, time, and the person who returned the property.

#### **804.5.4 AUTHORITY TO RELEASE PROPERTY**

The Investigation Commander or his/her designee shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

#### **804.5.5 RELEASE OF PROPERTY**

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Proof of ownership may be required.

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 officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property sheet, the sheet shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the property sheet will remain with the Property Section. Upon release, the proper entry shall be documented in the Property Log.

#### **804.5.6 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.

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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)).

#### **804.5.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS**

The Investigation Section Commander will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

#### **804.6 DISPOSITION OF PROPERTY**

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The property officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

##### **804.6.1 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 §§ 12028, 12029, 12251)
- 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, bikes with altered serial numbers, or component parts (Vehicle Code § 10751)
- Narcotics (Health & Safety Code § 11474, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 12307)

##### **804.6.2 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 fifteen dollars (\$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

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# Santa Cruz Police Department

## Policy Manual

### *Property Procedures*

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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 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.

#### **804.8 PROPERTY PROHIBITED IN POLICE FACILITIES POLICY**

It is the policy of this Department that all personnel will keep, store, and use only property items required or needed to perform their official tasks in any police building or vehicle.

##### **804.8.1 PROCEDURE PROPERTY PROHIBITED IN POLICE FACILITIES**

The following listed items are prohibited in police department buildings or police vehicles unless booked as part of a case or stored as official property:

- (a) Alcoholic beverages in any form;
- (b) Photographs, drawings, pictures, or any representative of nude or scantily clad persons;
- (c) Lewd or obscene material;
- (d) All types of weapons and ammunition or explosives not authorized or issued;
- (e) Any volatile flammable material;
- (f) Any article or material that is illegal to possess;
- (g) Any racial, sexist, ethnic or religious material, designed, intended or likely to be offensive or insulting.

## 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 Santa Cruz 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.

#### 808.2.3 PROPERTY OFFICER RESPONSIBILITY

The property officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

# Santa Cruz Police Department

## Policy Manual

### *Restoration of Firearm Serial Numbers*

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#### **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. This may appear on the request form or property form depending on the type of evidence.

#### **808.2.5 FIREARM TRACE**

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property officer will complete a Bureau of Alcohol, Tobacco, and Firearms (ATF) NTC Obliterated Serial Number Trace Request Form (ATC 3312.1-OBL) and forward the form to the National Tracing Center in Falling Waters, West Virginia.

#### **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 Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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## Release of Records and Information

### 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law. (See appendix for reference chart).

### 810.2 PUBLIC REQUESTS FOR RECORDS

The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

#### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media, may request access to unrestricted records of this department by submitting a separate written and signed request for each individual and specifically identified record sought to an authorized employee (Government Code § 6253). Requests from involved individuals, their authorized representatives and other agencies are addressed below. The processing of requests is subject to these limitations:

- (a) The authorized receiving employee shall determine if the requested record is available and/or subject to any exemption from disclosure. Processing of such requests may take up to ten days and an additional 14-day extension may be authorized by the Records Manager (Government Code § 6253(c)).
- (b) The requesting party may be required to pay in advance any established fee for each record sought (Government Code § 6253(b)).
- (c) The Department shall not be required to create records which do not otherwise exist in order to accommodate any request under the Public Records Act. If practicable, however, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record

### 810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

#### 810.3.1 GENERAL POLICE AND CRIME REPORTS

Reports containing any of the items listed below will not be released:

- (a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses (e.g., sex crimes, Penal Code § 293) shall not be made public. Penal Code § 841.5 makes it a misdemeanor to release confidential victim information to any potential criminal defendant.
- (b) **Confidential Information** - 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 shall not be made public.



# Santa Cruz Police Department

## Policy Manual

### *Release of Records and Information*

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1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
  2. If it has been noted in any report that any individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure.
- (c) **Specific Crimes** - Certain types of reports involving, but not limited to, **Child Abuse/Molest** (Penal Code § 11167.5), **Elder Abuse** (Welfare and Institutions Code § 15633) and **Juveniles** (Welfare and Institutions Code § 827) shall not be made public.
- (d) **General Information** - Absent 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).

#### **810.3.2 ARREST REPORTS**

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, 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.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

#### **810.3.3 TRAFFIC COLLISION REPORTS**

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, other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

#### **810.3.4 PERSONNEL RECORDS**

Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254(c)).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

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 (Government Code § 3300 (e)).

#### **810.3.5 CONCEALED WEAPONS PERMITS**

Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

# Santa Cruz Police Department

## Policy Manual

### *Release of Records and Information*

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#### **810.4 OTHER RECORDS**

Any other record not addressed in this policy shall not be subject to release where such record is exempted 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(k)).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

#### **810.5 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to the Records Manager/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.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **810.6 RELEASED RECORDS TO BE STAMPED**

Each page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

## **Criminal Offender Record Information (CORI)**

### **812.1 PURPOSE & SCOPE**

This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

### **812.2 AUTHORITY**

This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Administrative Code. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

### **812.3 DEFINITIONS**

**Criminal Offender Record Information** - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, DMV summary, Driver's License records, and any SCPD documents containing a list of prior arrests.

**Criminal Justice Agency** - Means a public agency or component thereof which performs a criminal justice activity as its principal function.

**Authorized Recipient** - Means any person or agency authorized by court order, statute or case law to receive CORI.

**Right to Know** - Means persons or agencies authorized by court order, statute or decisional case law to receive the information.

**Need to Know** - means a necessity exists to obtain CORI in order to execute official responsibilities.

### **812.4 AUTHORIZED RECIPIENTS OF CORI**

CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

#### **812.4.1 CRIMINAL RECORD SECURITY OFFICER**

The Records Manager is the designated Criminal Record Security Officer for the Santa Cruz Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

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## Policy Manual

### *Criminal Offender Record Information (CORI)*

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#### **812.4.2 RELEASE OF CORI**

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

- (a) Criminal Records Security Officer
- (b) Records Supervisor
- (c) Full-time employees of the Records Section
- (d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

#### **812.4.3 RELEASE OF CORI TO FIELD PERSONNEL**

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

#### **812.5 JUVENILE RECORDS**

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

#### **812.6 REVIEW OF CRIMINAL OFFENDER RECORD**

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

#### **812.7 PROTECTION OF CORI**

CORI shall be stored in the Records Section.

Direct access to CORI stored in the Records Section shall be restricted to the Records Section personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Section shall be restricted to those persons who possess both the right to know and the need to know the information.

#### **812.7.1 COMPUTER TERMINAL SECURITY**

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

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### *Criminal Offender Record Information (CORI)*

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#### **812.7.2 DESTRUCTION OF CORI**

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

#### **812.8 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer.

#### **812.9 PENALTIES FOR MISUSE OF RECORDS**

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.37 (a).

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Policy Manual § 340.37(a) .

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## Computers and Digital Evidence

### 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCD's) 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.
  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.

# Santa Cruz Police Department

## Policy Manual

### *Computers and Digital Evidence*

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#### **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 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.
- (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 PCD'S**

Personal communication devices such as cell phones, PDA's 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.

# Santa Cruz Police Department

## Policy Manual

### *Computers and Digital Evidence*

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- (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 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.

##### **814.5.3 PRESERVATION OF DIGITAL EVIDENCE**

- (a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
- (b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
- (c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.



Santa Cruz Police Department  
Policy Manual

**Chapter 10 - Personnel**

## Absences/Time Off

### **1001.1 PURPOSE AND SCOPE**

It is the policy of this Department to set forth procedures and guidelines for time off requests, absences and injuries, and surrendering departmental equipment in cases of leaves of absence.

### **1001.2 PROCEDURE**

#### **1001.2.1 TIME OFF REQUESTS**

The Department will strive to facilitate time off requests in a timely manner. It is necessary to balance employees' needs for time off with the mandate that the organization provide public safety services for the City of Santa Cruz. In order to do this it is required that time off requests be made sufficiently in advance so that proper consideration may be given to the needs of the employee, City and the Department.

- (a) All employees, permanent, part time, or temporary must put in writing their time requests.
- (b) Time off requests may be submitted up to one (1) year in advance of the date(s) requested.
- (c) Requests shall be for vacation, management vacation, holiday, floating holiday, compensatory time off, maternity leave, leave of absence, military leave, or family leave.
  - 1. Requests may be for any or a combination of all of the above.
- (d) Requests for forty hours or more should be made thirty days in advance of the requested time off.
  - 1. Reasons of legitimate exigency may be accepted by a supervisor in the event that thirty days notice does not occur.
- (e) Requests for more than eighty hours will require approval from the Deputy Chief of Police and should be made a minimum of sixty days in advance of the requested time off.

#### **1001.2.2 RESPONSIBILITIES**

- (a) The requesting employee is responsible for making the request in a timely manner and for knowing and requesting only that time which they have earned and may, therefore, take legally.
  - 1. It is the employee's responsibility to notify the Financial Services Unit/payroll/purchasing clerk of any changes or cancellations of a time off request that was previously submitted.
- (b) The unit/detail supervisor is responsible for evaluation staffing levels and for insuring that sufficient staffing is available if the request is approved.
  - 1. Every effort should be made to avoid the use of overtime when granting leave.
  - 2. The supervisor must check the special events calendar, sergeants' calendar and the master schedule.

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### *Absences/Time Off*

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3. The staffing available will be listed on the request form by the supervisor so it may be reviewed by the Team Commander.
  4. If approved, enter the information on the sergeants' calendar. If the date is for some time beyond the current four-week period, the Administrative Assistant will enter it on the appropriate four-week schedule.
  5. Sign the request form both as to approval and entry on the master schedule.
  6. The master schedule and the sergeant's calendar are the reference documents used to allocate personnel. They must be maintained in an accurate condition at all times.
- (c) The managers are responsible for reviewing the requests and insuring that sufficient staffing remains available.
1. Management will strive to provide a maximum of seven (7) day turnaround on all time off requests.
  2. An exception may occur if a request is made prior to the master schedule being established.
- (d) The Payroll/Purchasing Clerk will log all time off requests on their calendar and be able to provide information to supervisors, managers and employees when it is requested.
1. The Payroll/Purchasing Clerk will insure that approved time off is recorded onto the payroll sheet as required by City Payroll procedures. (This does not negate the employee or supervisor's responsibility to record it on the time sheet for the affected payroll period.)
  2. The time off request forms, once approved, will be maintained by the Payroll/Purchasing Clerk.

#### **1001.2.3 ORGANIZATIONAL INTENT**

- (a) It is the intent of the organization to facilitate time off requests to the extent economically and operationally feasible.
- (b) Normally, overtime will not be authorized to replace an employee so they can obtain time off.
- (c) Exceptions may be made for good cause but will require approval of the Division Commander. Items to be considered are:
1. Time of year.
  2. Special events.
  3. Negative impacts on remaining working employees.
  4. Budgetary restraints.
  5. Long term impacts on both the organization and the requesting employee.
- (d) Employees should strive to take the bulk of vacation or holiday time off during time other than mid-June through August due to the department's summer workload.
- (e) Time off requests will be considered in the order in which they are submitted. Seniority in rank will be a determining factor when time off requests are made by more than one person, submitted on the same day and requesting the same time off, or a large percentage of it.

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## Policy Manual

### *Absences/Time Off*

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#### **1001.3 ABSENCES AND INJURIES**

##### **1001.3.1 NOTIFICATION OF ABSENCE**

- (a) Any employee who is unable to report for duty as scheduled shall notify the appropriate Watch Commander/Section Commander. Notification shall be as far in advance as possible. A minimum of two hours is required. The reason for such absence shall be reported.
  - 1. In the event the Watch Commander/Section Commander is not available to receive the call, the employee receiving the notification shall forward the information to the Watch Commander as soon as practical, with minimum of the following information.
    - (a) Name of absent employee.
    - (b) Time called.
    - (c) Reason for absence.
    - (d) Length of absence (if known).
    - (e) Location of employee.
    - (f) Telephone number where employee can be reached.
  - 2. The employee calling in ill shall leave a telephone number where he/she can be reached by their supervisor.
- (b) Availability of Employee.
  - 1. Employees shall inform their respective Watch/Section Commander of their location during their respective (normal) duty hours while absent.
- (c) Checks on Absentees
  - 1. Any employee should expect a personal visit or phone contact from a Department representative during their period of recuperation. Such contact shall be at the discretion of the appropriate supervisor, Watch Commander, Division Commander, or the Chief of Police. Priority shall be given to absences in conjunction with days off.
- (d) Procedure for returning to full duty from an off-duty injury or illness.
  - 1. Absence of three (3) working days or less: If an employee is absent from work for a period of three consecutive working days or less, the following procedure will apply:
    - (a) Approval to return to work can be approved by the employee's immediate supervisor.
    - (b) Sick leave affidavit must be completed.
    - (c) If questions arise concerning the employee's health or ability to work, the employee may be referred to a physician for re-examination.
  - 2. Absences in excess of three (3) working days: For the benefit of the employee's health, and the health and welfare of those persons who will work with and depend on the returning employee, on absences in excess of three (3) consecutive working days the following will apply:
    - (a) The absence must be support by a completed sick leave form and a Medical release from employee's physician.

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- (b) If a question arises concerning the employee's health or ability to work, the employee may be referred to a physician for an examination.
- (e) Industrial Injuries or Illness.
1. All injuries on duty and all work-incurred diseases shall be reported to the employee's immediate supervisor as soon as possible following the injury.
  2. If an injury or disease requires the attention of a physician, the supervisor receiving the injury report will direct the employee to a physician or medical center listed on the City's Medical Service order form.
    - (a) Exception: In the case of needed emergency attention, the supervisor will direct that the employee be transported to the nearest medical center.
    - (b) The employee, if able, or the employee's supervisor, shall advise the attending physician or medical center that the injury or disease is a Workers Compensation injury.
    - (c) If, however, an employee notifies the employer in writing prior to the date of injury that he/she has a personal physician, the employee shall have the right to be treated by that physician from the date of injury after emergency treatment, if necessary, has occurred.
  3. Completing the City of Santa Cruz Report of Personal Injury to City Employee and City of Santa Cruz Medical Service Order.
    - (a) The injured employee's supervisor shall complete the Medical Service Order form as soon after the injury as possible and in all cases prior to termination of the shift.
    - (b) The injured employee's supervisor shall complete the Employer's Report of Occupational Injury or Illness form as soon after the injury as possible and, in all cases, prior to termination of the shift.
  4. Completing the SCPD Physician's Statement
    - (a) In every industrial injury or illness situation, the SCPD Physician's statement must be completed by the attending physician.
    - (b) The SCPD Physician's Statement must be completed by the attending physician after any subsequent examinations that result in:
      1. A continuation of restricted duty status.
      2. A modification to restricted duty status.
      3. A continuation of limited duty status.
      4. A modification to limited duty status.
      5. Or whenever requested by the employee's supervisor.
  5. Treating Physician
    - (a) It is necessary for an employee to be examined by the same physician or medical facility who made the first examination and diagnoses and treatment on the industrial injury or illness during the first 30 days subsequent to the injury or illness, unless the physician refers the employee to another medical facility or permission is received from the Worker's Compensation Administrator and/or the City Human Resources Department Benefits Coordinator.
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#### **1001.3.2 LIMITED DUTY STATUS**

(a) Supervisor's Responsibility

1. It shall be the responsibility of each Division Commander to make the most productive use of limited duty personnel under their command.
2. Each Watch/Section Commander shall contact the Division Commander to ascertain information on the returning employee to see what duty limitations or restrictions have been imposed by his physician. If the physician's instructions are not clear, the Division Commander shall contact the physician and have him/her restate the medical work restrictions in concise written terms.
3. The employee's proposed assignment shall be put in writing, including any limitations placed on their activities. After approval of the Division Commander, personally serve the employee with a copy of their assigned duties. Discuss the assignment with the employee to ensure there are no misunderstandings or that you are not asking them to perform a task that they feel they should not be doing because of risk of re-injury and/or delaying recuperation time. Have the employee sign the memo.
4. Distribution/routing of memo:
  - (a) Copy to employee.
  - (b) Copy to Administration Division Commander.
  - (c) Copy to Operations Division Commander.
  - (d) Copy to the Chief of Police.
  - (e) Original to employee's police personnel file.
  - (f) Copy to Personnel Department.

(b) Employee's Responsibility:

1. Inform their supervisor of any physical limitations that they may have prior to acceptance of assigned duties that they feel they are incapable of safely performing.
2. Any employee returning in a limited duty capacity shall be exempt from normal scheduling provisions and may be assigned to any unit/section within the Department that is in the best interest of the Department.
3. All employees working in a limited duty status shall dress in business-like attire. S.C.P.D. polo shirts are acceptable. No jeans or collarless shirts.

(c) Reporting Outside Employment

1. Department employees engaged in outside employment who are placed on disability leave, limited duty or restricted duty, will inform or remind their commanding officer of their outside work authorization in writing.

(d) Outside Employment while Disabled/Injured

1. The Chief of Police or a designee has final authority to determine when an employee's outside employment should be discontinued. When discontinued, a notice of revocation of the employee's work authorization shall be attached to the original work request form. The employee shall also receive a copy.
2. Criteria for revoking the outside work authorization includes, but is not limited to, the following elements:

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- (a) The outside work is detrimental to the total recovery of the disabled employee as indicated by the employee's treating physician and/or City designated physician.
- (b) The outside work performed requires the same physical ability as would be required of an on-duty officer.
- 3. When the disabled member returns to duty, a written request to the Chief of Police shall be made to restore the outside work authorization.
- (e) Returning to full duty from a Limited Duty Status.
  - 1. Prior to an employee returning to full duty after being on a limited or restricted duty status, the employee must furnish the Department with a medical release signed by their physician that the employee is capable of returning to full duty status.
  - 2. Routing of medical release form:
    - (a) Copy to Administration Division Commander.
    - (b) Copy to Operations Division Commander.
    - (c) Copy to the Chief of Police.
    - (d) Copy to city Personnel Department.
    - (e) Original to employee's police personnel file.

#### **1001.3.3 INABILITY TO REPORT FOR WORK**

- (a) Options available to sick and/or injured employees:
  - 1. Health and fitness is a condition of employment. It is the responsibility of the employee to maintain themselves in a healthy and fit condition.
  - 2. If feasible, the Department will attempt to put an injured or ill employee into a productive work slot for a reasonable period.
  - 3. If a productive work position is not available, or if there does not appear to be a likelihood that the employee will return to full duty status, a number of options are available:
    - (a) Use of accumulated sick leave.
    - (b) Long term disability.
    - (c) Worker's Compensation claim, if injury/illness was incurred during course and scope of employment.
    - (d) Retirement.
    - (e) Resignation.
    - (f) Dismissal.

#### **1001.3.4 DISCIPLINARY ACTION**

- (a) Abuse of sick leave.
  - 1. Documentation of an abuse of sick leave may result in any one or combination of the following:
    - (a) Reprimand-oral or written.
    - (b) Suspension.
    - (c) Reduction in pay or rank.

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- (d) Dismissal.

#### **1001.3.5 RECURRENCE OF PRIOR INDUSTRIAL INJURY**

No worker's compensation time will be allowed unless there is a physician's note. Example: Employee has an old back injury that was work-related and treated as a worker's compensation injury. Three months later, employee's back is hurting. Employee calls in to take time off. No worker's compensation time off can be approved unless the injury is verified by a physician as a continuation or re-injury of a previous worker's compensation injury.

#### **1001.4 THE SURRENDER OF DEPARTMENTAL PROPERTY IN CASES OF LEAVES OF ABSENCE**

- (a) Leaves of Absence:
  - 1. When any departmental personnel are placed on administrative leave, leave of absence, medical leave of absence, worker's compensation, or any leave of absence due to disciplinary action, and the leave of absence is for more than one work week, they shall report to the Administrative Division Commander at the discretion of the Administrative Commander.
  - 2. The involved personnel may be required to surrender their badge, identification card, and duty weapon. In any case involving the above-mentioned situations, it shall be the responsibility of the Administrative Deputy Chief to retrieve these items.
- (b) In all cases, the Division Commander of the affected personnel shall notify the Chief of Police by way of departmental memorandum of the circumstances of the action. Included in this memorandum should be:
  - 1. Employee's name.
  - 2. Employee's present rank.
  - 3. Employee's present assignment.
  - 4. Projected length of leave.
  - 5. Reason for leave.
- (c) The Administrative Deputy Chief shall be responsible for the proper storage of the above property, and the return of the property to the employee when the employee returns to active duty.
- (d) The employee, while on this leave, shall not in any way act as a peace officer.



## **Scheduling Personnel**

### **1002.1 POLICY**

It is the policy of this Department to ensure that sufficient personnel are scheduled for operational needs, to have personnel experience varied job assignments, to enhance effectiveness and to have fair and consistent scheduling procedures.

### **1002.2 PROCEDURE SCHEDULING PERSONNEL**

#### (a) Notice

1. It shall be the policy of the Police Department to give a two-week advance notice of personnel assignment schedule changes when feasible.

#### **1002.2.1 SCHEDULING PLANS**

- (a) Police employees who work a 4 day/10 hour or a 5 day/9 hour schedule do so with the understanding that it is contingent upon the availability of sufficient personnel as determined by the Chief of Police.
- (b) If the Chief of Police determines that the department must change scheduling plans due to insufficient personnel or operational need, he will notify all affected personnel (refer to MOU.)
- (c) Personnel will be allowed to select their shift based on seniority as set forth by the Chief of Police. The schedule will be completed not less than 30 days nor more than 12 months prior to shift change.
- (d) Seniority Scheduling for Patrol Officers assigned to the Operations Division:
  1. Seniority is determined by the employee's last uninterrupted date of hire. For employees hired on the same date, seniority will be determined by the date of release from their field training program. Ties will be determined by a coin toss.
  2. Seniority scheduling would apply on a date of hire basis only to those officers assigned to Patrol.

#### **1002.2.2 EXCEPTIONS**

- (a) FTOs: FTO assignments will be made prior to the schedule being routed for sign ups. Assignments will be made on a seniority basis when possible, however, this selection may be overruled for the requirements and continuity of the FTO Program. The FTO Sergeant will determine FTO assignments by shift and days off.
  - (b) Canine Program: Exempt
  - (c) Neighborhood Enforcement Team: Exempt
  - (d) Downtown Unit: Exempt. Seniority for shift selection within the unit is determined by date of assignment to the unit. If all positions are not filled, assignments will be made starting with the least senior non-probationary officer.
  - (e) Traffic Section: Exempt. Seniority for shift selection within the unit is determined by date of assignment to the unit. If all positions are not filled, assignments will be made starting with the least senior non-probationary officer.
  - (f) Probationary Employee: Exempt
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- (g) Exemption: Through the evaluation process, disciplinary action, medical reasons, or extenuating circumstances, an officer may be assigned or reassigned to a certain shift. Those officers assigned are exempt from this scheduling general order.
- (h) Leaves of Absence (medical, military, maternity, etc) A reasonable expectation must exist that the officer will be able to report for full duty at the start of a new shift. In the absence of a reasonable expectation, those officers will be exempt from this scheduling general order.

#### **1002.2.3 SELECTING A SHIFT - OPERATIONS DIVISION**

- (a) The seniority list and draft schedule will be prepared by the scheduling Lieutenant at least 30 days prior to the beginning of the schedule.
- (b) Officers will be responsible for contacting the scheduling Lieutenant at predetermined times for shift sign up according to seniority by date of hire. The scheduling Lieutenant will post the contact times two weeks prior to the shift sign up. If an officer does not contact the Lieutenant at the scheduled time, they will be inserted into the seniority list where it stands at the time the officer calls and the Lieutenant is able to speak to the caller between appointments. The officer cannot insert himself on the list due to seniority and bump someone who has already signed up.
- (c) The completed draft schedule will then be returned to the Division Commander. If the draft schedule is returned without sign ups by officers, those officers who failed to sign up will be assigned as needed and deemed appropriate by management personnel.
- (d) Once the draft schedule is returned, additional assignments will be entered for the exempt list detailed above and the schedule posted 14 days prior to the implementation date.
- (e) Officers may sign up and work the same shift for two consecutive times, but will be required to select a different shift the next time. For purposes of this order, shift shall mean days, swing, or grave shifts.

#### **1002.2.4 ROTATION/REASSIGNMENTS**

- (a) Employees covered by this order are expected to rotate among shifts and are subject to periodic reassignments (assignments to/as FTOs, Traffic, NET, DTU, Investigations, etc., are considered "at will" appointments.)
- (b) These changes are a normal part of their work and are not disciplinary or subject to the grievance process even though employees may lose or gain eligibility for compensation (such as shift differential or other premium pays.)
- (c) Scheduling Operations Sergeants - 10/4 Plan:
  - 1. It is management's intent to modify sergeant's seniority scheduling when it is in the best interest of the organization at large. The Chief of Police will maintain this authority and responsibility.
  - 2. Seniority is determined within the rank (as opposed to the section), and impacts only those six patrol sergeant's assigned to one of the six patrol teams (i.e., A-I, II, III, or B-I, II, III). If two or more sergeants are promoted on the same day, seniority reverts to date of hire. A sergeant may work two of the same shifts in a row (i.e., I, II, or III) and must then change to a different shift. (Changing from A-Team to B-Team does not constitute changing shifts. The change must be from Shift I, II or III) Newly promoted sergeants are exempt from seniority scheduling until they work two of three shifts (i.e., I, II, III) not necessarily in that order. To accomplish this rotation, the Division Commander will/may modify/change shift scheduling as stated above until this training rotation

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is complete. A change from A-Team to B-Team (or vice versa) will require Operations Lieutenant's and Deputy Chief's approval.

3. An assignment to a specific shift may occur for good cause, not necessarily discipline, to satisfy remedial training or operational needs.

#### **1002.2.5 SCHEDULING OF INVESTIGATION SECTION PERSONNEL**

- (a) All personnel are scheduled on a 9/5 Plan which alternates a 35-hour work week, with a 45-hour work week to equal 80-hour pay periods. Personnel generally work day shift with other hours as necessary and assigned.
- (b) Investigators are assigned, on a rotational basis, to "On Call" status for major crime investigations. While "On Call," the officer must be available after normal business hours, from Monday through Sunday.
  1. Civilian personnel working in Investigations and related units generally work day shift, normally a 5-day/40-hour work week.

#### **1002.2.6 SCHEDULING OF NON SWORN EMPLOYEES**

- (a) Community Service Officers:
  1. CSO scheduling and assigned duties will be at the discretion of the Division Commander or their delegated manager.
  2. CSOs will be rotated through the different job assignments within this classification to broaden their expertise and enhance operational productivity.
  3. When appropriate, CSOs will be able to request team assignment, days and hours worked. When this is available, seniority will be one factor taken into consideration, but not the sole criteria.
  4. The scheduling Lieutenant will coordinate CSO scheduling.
- (b) Operational needs shall take priority when scheduling.
  1. Police Records Supervisors, Payroll/Purchasing Clerk, Police Records Technicians, Administrative Assistant II and III, Property Attendants and all other non-sworn employees will be scheduled and assigned duties in order to conform with their job classification, their current MOU, and the operational needs of the department.

#### **1002.2.7 MANAGEMENT PERSONNEL**

Management personnel are scheduled at the discretion of the Chief of Police in accordance with the current MOU and department needs. They will be assigned duties and scheduled in order to conform to the current Memorandum of Understanding for such classifications, and to meet the needs of the department.

#### **1002.2.8 SCHEDULING PERIODS**

Personnel assignment schedules shall normally be for a four-month period. The Operations Division Administrative Assistant will type and distribute the schedule and ensure a current schedule is posted in the Patrol Sergeant's Office. The personnel assignment schedule will be updated periodically. The Scheduling Lieutenant will review the schedule to ensure assignments meet the needs of the department and the community to further our community policing efforts.

## Hepatitis and HIV Testing

### **1008.1 PURPOSE AND SCOPE**

The purpose of this policy is to provide for the reporting of contacts with the bodily fluids of individuals and an HIV testing procedure in accordance with the Legislature's declaration of a public health crisis in Penal Code § 7500, et seq.

### **1008.2 REPORTING REQUIREMENTS**

Any employee who believes that he/she came into contact with bodily fluids of an individual who has been arrested or taken into custody shall complete a State Department of Health Services form (#DHS 8479). This form includes the names of witnesses to the incident, names of persons involved in the underlying incident, and if feasible, any written statements from these parties. This form shall be in addition to any other reports related to the underlying incident (Penal Code § 7510).

The employee's form DHS 8479 shall be submitted by the end of the shift during which the incident occurred, or if not practicable, as soon as possible, but no longer than two days after the incident, unless waived by the county's Chief Medical Officer.

Upon completion of form DHS 8479, it and all available related reports shall be forwarded immediately to the county's Chief Medical Officer.

#### **1008.2.1 CONFIDENTIALITY OF ALL REPORTS**

All information obtained and reported pursuant to this procedure shall be kept confidential and may not be released except as provided by law (Penal Code § 7517).

#### **1008.2.2 MISDEMEANOR TO FILE FALSE REPORT**

Any employee who willfully files a false form DHS 8479 or a false request for HIV testing may be subject to discipline as well as misdemeanor criminal sanctions (Penal Code § 7540).

### **1008.3 REQUEST FOR HEPATITIS OR HIV TESTING**

Any employee who desires that the individual be tested for Hepatitis A, Hepatitis B, or HIV shall indicate such a request on the form DHS 8479 (Penal Code § 7510).

### **1008.4 AVAILABLE COUNSELING**

In addition to any other available employee assistance programs, personal counseling may be available through the Chief Medical Officer to any law enforcement employee who has filed a form DHS 8479.

### **1008.5 PROCEDURE TO DETERMINE TESTING**

Within five calendar days of receipt of any form DHS 8479, regardless of whether or not a request for testing was made, the county's Chief Medical Officer shall determine whether or not the involved individual shall be required to submit to HIV testing.

Any individual ordered by the Chief Medical Officer to submit to HIV testing has three calendar days to appeal such an order by submitting form DHS 8457. If no appeal is filed in a timely manner, the order of the Chief Medical Officer shall become final.

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### *Hepatitis and HIV Testing*

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Any appeal of the Chief Medical Officer's order may be appealed by the individual or the involved employee to the Superior Court which is required to review the matter as expeditiously as possible (Penal Code § 7516.5).

#### **1008.6 TESTING PROCEDURE**

In the event that an individual is ordered to be tested for HIV, such tests shall consist of a blood sample withdrawn in a medically approved manner by a licensed physician, nurse, medical technician, or phlebotomist (Penal Code § 7530).

All test samples shall be submitted to a licensed medical laboratory that has been approved by the State Department of Health Services for the conducting of HIV testing.

##### **1008.6.1 REFUSAL TO SUBMIT TO TESTING**

Any person who has been ordered to submit to required Hepatitis A, Hepatitis B, or HIV testing and, who refuses to submit to such testing shall be subject to revocation of bail, probation, or other sentence (Penal Code § 7519(a)).

The refusal of any probationer or parolee to submit to required HIV testing shall be considered a violation of probation or parole.

##### **1008.6.2 TEST RESULTS**

Any employee who had direct contact with the bodily fluids of an individual who is determined to have tested positive for Hepatitis A, Hepatitis B, HIV or AIDS shall receive confidential notification from the Chief Medical Officer.

## Peer Counseling

### **1009.1 PURPOSE AND SCOPE**

To establish peer counselors within the Santa Cruz Police Department.

### **1009.2 POLICY**

The Peer Counselors are intended to provide employees of the Santa Cruz Police Department with an in-house support network. Peer counselors will be available to assist any employee or family member.

### **1009.3 PEER COUNSELING**

#### **1009.3.1 INDEPENDENT CONSULTANT**

- (a) The Police Department will contractually employ an independent consultant with appropriate credentials to oversee the operation of the Peer Counseling Program. The consultant will provide professional assistance/guidance to the Peer Counselors.
- (b) The independent consultant will report to the Administration Division Commander, for the purpose of:
  - 1. Recommending enhancements to the Peer Counselor Program.
  - 2. Recommending selections for Peer Counselor assignment.
  - 3. The independent consultant will not maintain any written reports of counseling sessions.
- (c) The independent consultant will provide training for the Peer Counselors at regularly scheduled meetings.
  - 1. These meetings will be mandatory for all Peer Counselors to attend.
  - 2. Any Peer Counselor who misses a meeting (unexcused) will be removed and replaced as a Peer Counselor.
  - 3. Each meeting will include a refresher on communication/counseling skills.
- (d) The independent consultant will be available as a resource for the Peer Counselors to use and for referral when appropriate.

#### **1009.3.2 PEER COUNSELORS**

- (a) Peer Counselors may be selected among Sergeants, Police Officers, Records Technicians, and Community Service Officers.
- (b) Selection will be by the following process:
  - 1. Call for letters of interest.
  - 2. Oral interview with a panel comprised of the independent consultant and Peer Counselors.
  - 3. Recommendations for Peer Counselor selection will be made by the Independent Consultant to the Administration Deputy Chief.
  - 4. Selection and assignment as a Peer Counselor will be made by the Chief of Police.

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### *Peer Counseling*

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- (c) Prior to assuming any peer counseling responsibilities, prescribed training must first be completed as follows:
  - 1. Familiarization with the City E.A.P. Plan;
  - 2. Critical Incident Debriefing;
  - 3. Substance Abuse Awareness/Counseling;
  - 4. Any other applicable training identified by the Independent Consultant and approved by the Administration Division Commander.
- (d) Peer Counselors may be removed from the program at the discretion of the Chief of Police at any time and for any reason.

#### **1009.3.3 PROGRAM PHILOSOPHY**

- (a) The Peer Counselor Program is designed to serve as a stabilizing force available to any employee or their family for immediate peer counseling and support.
- (b) The Peer Counseling Program is not intended to replace any portion of the Employee Assistance Plan, nor professional counseling service. It is not necessary for an employee to speak with a Peer Counselor prior to utilizing the Employee Assistance Plan. Peer Counselors are simply another resource for employees to utilize should they choose to do so.
- (c) Peer Counselors may recommend critical incident diffusing or debriefing as appropriate.

#### **1009.4 EXPECTATIONS**

Peer Counselors will be expected to:

- (a) Approach and speak freely to any employee who may or may not be experiencing a problem which could conceivably adversely impact their work performance (personal or professional).
- (b) Assist any employee with a possible substance abuse problem by bringing resource information to their attention and, if possible, by making a referral.
- (c) Take and/or maintain no written information regarding any employee or their family.
- (d) Utilize the Independent Consultant as a resource for guidance, input and direction on any situation involving the delivery of peer counseling services to any employee or family member.
- (e) Perform peer counseling responsibilities as much as possible during normal working time.

## Reporting of Employee Convictions

### 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit a sworn employee's ability to properly perform official duties; therefore, all sworn employees shall be required to promptly notify the Department of any criminal convictions.

### 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Pursuant to the Federal Domestic Violence Gun Control Act (18 United States Code §§ 921(a) and 922(d)), any person who has been convicted of a misdemeanor domestic violence offense is prohibited from possessing any firearm or ammunition.

Misdemeanor crimes of domestic violence are defined as misdemeanors under federal or state law, having as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

Federal law also prohibits firearm possession by any individual who is the subject of a domestic violence restraining order. This federal restriction, however, does not apply to Temporary Restraining Orders (18 United States Code § 922(d)(8)).

Penal Code § 12021(c)(1) prohibits any person convicted of certain offenses including, but not limited to Penal Code §§ 273.5, 273.6 and 646.9, from lawfully possessing a firearm.

Family Code § 6389 prohibits any person from carrying a firearm if they are currently the subject of a domestic violence restraining order (including temporary and emergency orders).

### 1010.3 OTHER CRIMINAL CONVICTIONS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

### 1010.4 REPORTING PROCEDURE

All sworn employees of this department and all retired officers with a CCW endorsement shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.



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### *Reporting of Employee Convictions*

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All sworn employees and all retired officers with a CCW endorsement shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the employee becomes the subject of a domestic violence restraining order issued by a court of competent jurisdiction.

Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to being placed on administrative leave, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

#### **1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 12021(c)(2), 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 § 12021 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

## **Communicable Diseases**

### **1016.1 PURPOSE AND SCOPE**

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

- To reduce exposures to bloodborne pathogens (BBP) and other potentially infectious body fluids
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE)
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease

### **1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS**

All department personnel who may be involved in providing emergency medical care, or who come in contact with another person's blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines.

#### **1016.2.1 EXPOSURE CONTROL OFFICER**

The Department assigned Bloodborne Pathogens (BBP) Exposure Control Officer (ECO) shall be responsible for the following:

- (a) The overall management of the BBP Exposure Control Plan (ECP).
- (b) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning BBP and other communicable diseases.
- (c) The ECO will act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date exposure control plan.
- (d) The ECO will maintain an up-to-date list of police personnel requiring training, develop and implement a training program, maintain class rosters and quizzes, and periodically review the training program.
- (e) The ECO will review and update the Exposure Control Plan annually (on or before January 1st of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

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### *Communicable Diseases*

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#### **1016.2.2 UNIVERSAL PRECAUTIONS**

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

#### **1016.2.3 PERSONAL PROTECTIVE EQUIPMENT**

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)
- Spit mask

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

#### **1016.2.4 IMMUNIZATIONS**

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

#### **1016.2.5 WORK PRACTICES**

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn before making physical contact with items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

#### **1016.3 DISPOSAL AND DECONTAMINATION**

The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids:

##### **1016.3.1 USE OF WASTE CONTAINERS**

Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

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The biohazard waste container located at the station shall be collapsible, leakproof, red in color or appropriately labeled with a biohazard warning and routinely emptied.

#### **1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES**

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

#### **1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE**

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when possible, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

#### **1016.3.4 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT**

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.34.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be replaced.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported to the department.

#### **1016.3.5 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT**

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio, vehicles) shall be decontaminated as soon as possible by an outside biohazard specialist.

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#### **1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS**

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities, ensure the best protection, and care for the employee(s).

##### **1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE**

In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally if the exposure involves contact with the bodily fluids of an individual who has been arrested the employee must also comply with reporting requirements described in Policy Manual § 1008.

##### **1016.4.2 SUPERVISOR REPORTING REQUIREMENTS**

The supervisor on duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

- (a) Names and social security numbers of the employee(s) exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) What potentially infectious materials were involved
- (e) Source of material or person
- (f) Current location of material or person
- (g) Work being done during exposure
- (h) How the incident occurred or was caused
- (i) PPE in use at the time of incident
- (j) Actions taken post-event (clean-up, notifications, etc.).

The supervisor shall use the above information to prepare a written summary of the incident, its causes, and recommendations for avoiding similar events. This report will be forwarded via chain of command.

##### **1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT**

Any employee who received exposure or suspected exposure to HIV or to Hepatitis B or C should be seen by a physician (or qualified health care provider) as soon as possible. The doctor (or qualified health care provider) shall review the supervisor's report, the employee's medical records relevant to the visit and examination, and the Communicable Disease Notification Report (Penal Code § 7501(a)).

The blood of the exposed employee shall be tested. If possible, the blood of the source shall also be tested (Health & Safety Code §§ 121050, et seq.).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results (Health & Safety Code § 121065(d)).

The health care professional shall provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

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- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

## Smoking Policy

### **1018.1 PURPOSE AND SCOPE**

The Surgeon General has determined that second-hand smoke is hazardous to health. Tobacco products may also be offensive to employees and the public.

### **1018.2 POLICY**

Smoking and other use of tobacco products is not permitted inside department facilities or any department vehicle. It shall also be the responsibility of all employees to ensure that no person smokes or uses any tobacco product inside department facilities and vehicles.

No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any Department facility), 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.).

Employees in uniform are also prohibited from smoking or using tobacco products while in contact with the public.

## **Personnel Complaint Procedure**

### **1020.1 PURPOSE AND SCOPE**

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

#### **1020.1.1 PERSONNEL COMPLAINTS DEFINED**

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a "personnel complaint" may be handled informally by a department supervisor by way of explanation and shall not be considered "complaints".

All "Personnel Complaints" will be referred to the Chief of Police for appropriate classification as listed below. "Personnel Complaints" shall be classified in one of the following categories:

**Informal Inquiry** - a matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal Inquiries will be documented on a Citizen Inquiry Report form, and routed to the Deputy Chief of the division where the accused employee is assigned. The Deputy Chief will assign the Informal Inquiry for appropriate follow up.

**Formal** - a matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Unit 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 Unit, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

#### **1020.1.2 MISCONDUCT DEFINED**

Misconduct shall be defined as any of the following:

- (a) Commission of a criminal offense
- (b) Violation of City or Departmental policies, rules, regulations, procedures, or orders
- (c) Negligence or dereliction in the performance of duty.
- (d) Conduct which reflects unfavorably upon the Department or its personnel
- (e) Omission of performing any duty required by Department policies, rules, regulations, procedures or orders.



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#### **1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### **1020.2.1 AVAILABILITY OF COMPLAINT FORMS**

Citizen Comment forms will be available in the public lobby of the Police Department building. Forms may also be available at other government facilities. Forms may also be sent via mail to requesting parties.

##### **1020.2.2 SOURCE OF COMPLAINTS**

- (a) Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- (b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
- (c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

##### **1020.2.3 ACCEPTANCE OF COMPLAINTS**

A complaint may be filed in person, by writing or by telephoning the department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

- (a) Complaints shall not be accepted unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action;
- (b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken;
- (c) When the complainant is intoxicated to the point where their credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Citizen Comment form;
- (d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.
- (e) If the complaining party wishes to discuss their complaint with the Professional Standards Unit only, proper arrangements should be made to allow this to occur, preferably during normal business hours (Monday - Friday, 0800 -1600).

##### **1020.2.4 COMPLAINT DOCUMENTATION**

Informal inquiries of alleged misconduct shall be documented on a Citizen Inquiry Report. All inquiries will receive a number from the Professional Standards Unit for tracking purposes.

- (a) The supervisor initiating the Informal Inquiry, will route the Citizen Inquiry Report through the chain of command to the Division Commander. The Division Commander will assign Informal Inquiries for necessary follow-up.
- (b) A copy of the original Citizen Inquiry form will be routed to the Professional Standards Unit for tracking purposes.
- (c) The investigating supervisor shall attach a copy of all police reports applicable to the Informal Inquiry, as well as any other necessary documentation.

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- (d) Upon completion of the investigation, the investigating supervisor shall forward the entire investigation to the Section Commander to ensure that a complete, thorough and objective investigation has occurred. Inquiries will not have formal "findings" as formal complaint investigations do.
- (e) The Section Commander will sign and date the completed form. The completed investigation will be routed to the Division Commander for approval.
- (f) The Division Commander shall sign and place the completed inquiry in the officer's appraisal file and forward a copy of the entire package in a sealed envelope to the Professional Standards Unit.

Formal complaints of alleged misconduct shall be documented by a supervisor on the department Citizen Comment form. The supervisor shall insure that the nature of the complaint is defined as clearly as possible. When a form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to insure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party (Note: A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint). Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

#### **1020.2.5 ASSIGNMENT OF COMPLAINTS**

The Professional Standards Unit shall notify the Chief of Police of complaints received and the alleged facts surrounding the complaint. The Chief of Police will determine if further investigation or supervisory input is necessary. The Chief of Police will make a determination if the complaint is to be handled as an "Informal Inquiry" or a "Formal Complaint".

The Chief of Police shall identify those situations in which a possible criminal investigation should be bifurcated from the internal complaint investigation. The decision shall be coordinated with the appropriate prosecuting agency that would prosecute if a criminal complaint were to be issued as a result of the incident.

Complaints must normally be filed within six months of the date of the incident giving rise to the complaint. Complaints filed after six months of the alleged misconduct will be accepted, but may not be investigated to the extent as when the complaint is filed within six months of the incident. The extent of the investigation and/or reply to the complaining party will be at the discretion of the Chief of Police.

#### **1020.3 SUPERVISOR RESPONSIBILITY**

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor. The Chief of Police or authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

- (a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Commanding Officer and Chief of Police are notified as soon as practicable.

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- (b) A supervisor receiving or initiating any formal complaint shall ensure that a Personnel Complaint form has been completed as fully as possible. The original complaint form will then be directed to the Commanding Officer of the accused employee, via the chain of command, who will take appropriate action or forward the complaint to the Professional Standards Unit for further action.
  - 1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
  - 2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.
  - 3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police who will initiate appropriate action.
- (c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.
- (d) When the nature of a personnel complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Human Resources Department and the Chief of Police for direction regarding their role in investigation and/or addressing the complaint.

#### **1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to an administrative assignment pending completion of the investigation or the filing of administrative charges.

##### **1020.4.1 ADMINISTRATIVE LEAVE**

An employee placed on administrative leave may be subject to the following guidelines:

- (a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline;
- (b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment;
- (c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor;
- (d) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered;
- (e) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police;
- (f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to their regularly assigned shift with all badges, identification card and other equipment returned.

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#### **1020.5 ALLEGATIONS OF CRIMINAL CONDUCT**

Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation. The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. (In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.) An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective. No information or evidence administratively coerced from an employee may be provided to a criminal detective. Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction (Labor Code § 432.7(b)). However, no disciplinary action (other than paid administrative leave) shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

#### **1020.6 PROFESSIONAL STANDARDS UNIT**

The Professional Standards Unit is responsible to, and reports directly to the Chief of Police. Day-to-day management of the Professional Standards Unit is monitored by the Deputy Chief of the Administration Division in order to assess and manage the workload.

The Professional Standards Unit will be responsible for investigating any complaint as assigned to the unit by the Chief of Police, or Deputy Chief.

The Professional Standards Unit does not ordinarily conduct criminal investigations on department members, but is responsible for any type of investigation assigned to the unit.

In cases of police involved shootings or other serious injury cases as defined in the Santa Cruz County Critical Incident Protocol, the Professional Standards Unit will be immediately notified. Response of the Professional Standards Unit to any such incident will be at the direction of a Division Commander or the Chief of Police.

The Professional Standards Unit shall, upon the completion of an investigation, notify the complaining party by mail that the investigation has been completed and the disposition.

#### **1020.7 ADMINISTRATIVE INVESTIGATION OF COMPLAINT**

In the course of an Administrative Investigation, the Professional Standards Unit shall act as a "fact finder". Recommendations for dispositions and discipline shall not be part of the fact finder's responsibility. Conclusions as to any apparent violations or analysis of the information may be made as part of the investigation.

The subject of an Administrative Investigation will be made aware at the onset that they are the subject of a complaint investigation. The personnel will be afforded the opportunity to prepare written reports, secure witnesses and gather any other information pertinent to the complaint. There are two exceptions to this employee notice:

- When disclosure of the pending investigation would adversely affect the investigation
- Where disclosure would identify a complainant who wishes to remain anonymous

An Administrative Investigation interview with an accused employee will not occur simultaneously with a criminal investigation interview. Each interview will be separate and

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distinct. The assigned investigator for an Administrative Investigation shall not be assigned to a criminal investigation involving the same allegation or vice versa.

If, during an Administrative Investigation interview it appears that the employee under investigation committed a criminal offense, the Administrative Investigation may be suspended, pending the completion of a separate and distinct criminal investigation. The decision to open a criminal investigation will rest with the Chief of Police or, in his absence, the Division Commanders.

Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, the following procedures shall be followed with regard to the sworn employee(s):

- (a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated. (Government Code § 3303(a))
- (b) No more than two interviewers may ask questions of an accused employee. (Government Code § 3303(b))
- (c) Prior to any interview, an employee shall be informed of the nature of the investigation. (Government Code § 3303(c))
- (d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated. (Government Code § 3303(d))
- (e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. However, any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Once again, nothing administratively ordered may be provided to a criminal investigator. (Government Code § 3303(e))
- (f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview. (Government Code § 3303(g))
- (g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h))
- (h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. (Government Code § 3303(i))
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.
- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation. (Government Code § 3307)

Non-sworn members will be subject to interviews in accordance with procedures set forth in the current Memorandum of Understanding with their bargaining unit.

#### **1020.7.1 ADMINISTRATIVE SEARCHES**

Any employee exhibiting objective symptoms of intoxication or being under the influence and any employee involved in a shooting, death from police action or injury/fatal traffic

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collision may be administratively ordered to submit to a blood, breath or urine test. The results of such compelled testing shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties; or, if the employee is assigned to or being considered for a special assignment with a potential for bribes. (Government Code § 3308)

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place. (Government Code § 3309)

All other departmentally assigned areas (e.g. desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes, (e.g. obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

#### **1020.7.2 ADMINISTRATIVE INVESTIGATION FORMAT**

Investigations of personnel complaints shall be detailed, complete and contain the following elements:

**Introduction** - include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint.

**Summary Of Allegations** - list the allegations separately, including applicable policy sections. The investigator may provide a very brief summary of the evidence relevant to each allegation. A separate FINDING should be provided for each allegation.

**Synopsis** - provide a very brief summary of the facts giving rise to the investigation.

**Evidence As To Each Allegation** - each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - appropriate analysis of the information and evidence outlined in the body of the investigation.

**Exhibits** - a separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

#### **1020.8 DISPOSITION OF PERSONNEL COMPLAINTS**

Each allegation shall be classified with one of the following dispositions:

**Unfounded** - when the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. (Complaints which are determined to be "frivolous" (See: Penal Code § 832.5(c)) will fall within the classification of unfounded).

**Exonerated** - when the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

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**Not Sustained** - when the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - when the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

**No Finding** - if the complaint failed to disclose promised information to further the investigation; the investigation revealed that another agency was involved, and the complaint or complainant has been referred to that agency; the complainant wished to withdraw the complaint; the complainant is no longer available for clarification.

A clear and convincing level of evidence must exist in order for a complaint to be sustained.

NOTE: if an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### **1020.9 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation within a reasonable period following receipt. If the nature of the allegations dictate that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

If the complaining party is charged with a criminal offense associated with this investigation, then the investigation may be suspended until the completion of the criminal action.

#### **1020.9.1 REVIEW OF COMPLAINT INVESTIGATIONS**

The completed investigation will be routed to the Division Commander responsible for the subject employee. The appropriate Division Commander will make an administrative finding on the investigation. In the event of a conflict or other department concerns, the Chief of Police may assign the investigation to another Commander for review and finding.

Once received, the Chief of Police may accept or modify the classification and recommendation for disciplinary action contained in the report. The Chief of Police is responsible for the adjudication of all complaints.

Within thirty (30) days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the amount of discipline, if any imposed. The complaining party should also be provided with a copy of his/her own original complaint. (Penal Code § 832.7)

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Deputy Chief making the finding to discuss the matter further.

If it is a criminal investigation, the reviewing supervisor will be responsible to brief the Division Commanders and the Chief of Police prior to routing the investigation to the District Attorney. The District Attorney will review the criminal investigation to determine its disposition. Standard operating procedures prevalent in criminal investigations will prevail in a criminal investigation that centers on a Police Department employee.

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In cases in which a Federal Civil Rights violation may be alleged, legal counsel for the Police Department may consider submitting the investigation to the United States Attorney rather than another prosecutorial agency.

#### **1020.9.2 DISCIPLINE**

Policy Manual § 339 will be used to determine, after review and if appropriate, what level of discipline should be recommended or imposed.

All factors including progressive discipline and any mitigating circumstances must be considered.

When recommending disciplinary action, the employee must be served with a written notice of intent to disciplinary action setting forth specifically:

- (a) The nature of the contemplated action
- (b) The type of action and/or length of time of action under consideration
- (c) The specific reasons for the action with the dates and times.
- (d) At statement advising the employee that he/she has five work days from the date of the notice to respond either personally or in writing at a review before the Chief of Police and may appear with any representative to show cause why the contemplated action should not be imposed.

The Commanding Officer or designee will serve any correction action memo or Notice of Intended Disciplinary Action memo on the involved employee. The employee will sign the document which may be entered into his/her personnel file. Any refusal to sign will be noted by the Professional Standards Unit representative. The original document will be retained in the case investigation files with copies going to the employee, the Division Commander, and the Chief of Police.

#### **1020.9.3 CONFIDENTIALITY OF PERSONNEL FILES**

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations. (Penal Code § 832.7(d))

All formal personnel complaints shall be maintained for a period of no less than five (5) years. (Penal Code § 832.5) All non-citizen (i.e. those that originate internally) initiated complaints shall be maintained no less than two (2) years. (Government Code § 34090, et seq.)

Discipline resulting from a sustained complaint shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

#### **1020.9.4 PURGE CRITERIA**

Internal Affairs case files shall be retained for five years (per Penal Code § 832.5) and may be purged after five years.

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## Policy Manual

### *Personnel Complaint Procedure*

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Informal Inquiry files shall be retained for two years, and may be purged after two years.

## Seat Belt Procedure

### **1022.1 PURPOSE AND SCOPE**

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

### **1022.2 WEARING OF SAFETY RESTRAINTS**

All employees shall wear properly adjusted safety restraints when operating or riding in department-owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on duty. The driver is responsible for ensuring all occupants, including non-employees, are in compliance with this policy.

#### **1022.2.1 TRANSPORTING CHILDREN**

An approved child safety restraint system should be used for all children of age, size or weight for which such restraints are required by law (Vehicle Code § 27360). In the event that an appropriate approved child safety restraint system is not available, the child may be transported by sworn personnel and should be restrained in a seat belt (Vehicle Code 27363(b)).

Rear-seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. In the event this is not possible, officers should consider arranging alternative transportation.

#### **1022.3 TRANSPORTING PRISONERS**

Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

#### **1022.4 INOPERABLE SEAT BELTS**

No person shall operate a department vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

## Off-Duty Employment

### 1040.1 PURPOSE AND SCOPE

It is the policy of this department to delineate duties and responsibilities as they relate to your primary employment with the City of Santa Cruz.

### 1040.2 PROCEDURE

(a) Off Duty Employment

1. Acceptance of a full time paid position with the City of Santa Cruz is accompanied by the mutual concurrence that the employment is to be the member's primary job. If supplemental employment is sought, such is considered secondary in importance and subject to the approval of the City. It is clear from statutory law that the City of Santa Cruz may impose reasonable regulations and restrictions on outside employment. Outside or supplemental employment is subject to review by the City to determine if the member's efficiency and effectiveness would be impaired by such outside employment or the off-duty employment would be or the off-duty employment would be incompatible with the member's City employment. This General Order shall apply whether the outside employment is for compensation or is voluntary in nature (without compensation).

#### 1040.2.1 MEMORANDUM OF ADDITIONAL EMPLOYMENT

(a) All employees shall submit to their Division Commander, prior to accepting additional employment, a written to/from memorandum addressing the following listed items of information concerning their contemplated outside employment:

1. Name, division, date of hire and current assignment of employee;
2. Date of memorandum;
3. Name and address of employer or business;
4. Statement/description of employment to be performed;
5. Location where employment will be performed;
6. Hours and days of employment per week;
7. A statement on whether the employment requires a license issued by a government agency and/or a request for endorsement by the Chief of Police;
8. Signature of employee submitted "Memorandum of Additional Employment".

The "Memorandum of Additional Employment", after being submitted to the Division Commander, will be reviewed and commented on with a recommendation to approve or disapprove the employment to the Office of the Chief of Police. The Chief of Police will make the final decision.

#### 1040.2.2 AUTHORIZATION

(a) Upon application of a department member, the appointing authority may authorize outside employment or occupation within the following restrictions:

1. The outside employment or occupation does not conflict with the member's city employment.

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2. The outside employment or occupation is not detrimental to the department or the city.
- (b) The outside work authorization is valid unless canceled by the Chief of Police or appropriate authority. Members will reapply for outside work authorization when one or more of the following events occur:
1. The time limit (if one was designated) has been reached.
  2. The type of work or employer has changed.
  3. The amount of hours worked has increased.
  4. When placed on limited duty, disability or administrative leave.
  5. When directed to do so by the Chief of Police or designee.
- (c) When authorization is granted, the employee may begin the outside work. If the request is denied, the denial may be appealed per the established grievance procedure.

#### **1040.2.3 UNAUTHORIZED OUTSIDE WORK**

- (a) All members of the department are prohibited from working in any of the following outside employment situations:
1. At any employment or business which would in any way reduce the effectiveness of the member in performing assigned departmental duties.
  2. For any employer or establishment whose major business is the serving of alcoholic beverages.
  3. As a process server, bill collector, investigator, or in any employment which police power might be used for private purposes of a civil nature.
  4. Any employment which may require the member to have access to police information files, records, or services as a condition for employment.
  5. Any employment which assists in any manner in the case preparation for the defense in any criminal action or proceeding.
  6. In police uniform in the performance of tasks other than those of a police nature.
  7. In any employment which has a connection with a tow or taxi service.

#### **1040.2.4 OUTSIDE WORK WHILE ON DISABILITY OR LEAVE**

Department members engaged in outside employment who are placed on disability leave, administrative leave, or modified duty will immediately inform their Division Commander, in writing, of their outside work authorization. The member's Division Commander will then review the duties of the outside work and recommend to the Chief of Police whether such outside employment should be continued. When the Chief of Police, or a designee, determines that the member's outside employment should be discontinued, a notice of revocation of the member's work authorization will be forwarded to the involved member and a copy attached to the original work authorization.

- (a) Criteria for revoking the outside work authorization includes, but is not limited to, the following elements:
1. The outside work is medically detrimental to the total recovery of the disabled member as indicated by the City Medical Officer's professional judgment.
  2. The outside work performed requires substantially the same physical ability as would be required of an on-duty member.

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- (b) When the member returns to duty, a request in writing may be made to the Chief of Police to restore the outside work authorization.

#### **1040.2.5 REVOCATION OF OUTSIDE WORK AUTHORIZATION**

Department management has the right to support or deny outside work authorization applicants. With this right, department or city management will determine if the off-duty work is detrimental to, or in conflict with, city employment.

#### **1040.2.6 OUTSIDE EMPLOYERS INVOLVED IN LABOR DISPUTES**

- (a) During periods of conflict between management and labor, work authorization allowing department members, including reserve officers and non-sworn personnel, to work for either party in the dispute may be suspended by the Chief of Police. If a department member is employed off-duty by an employer who becomes involved in a labor dispute, the member will immediately report this fact, in writing, to the Office of the Chief of Police.
- (b) During labor disputes, requests for police service will be received through the normal official channels.
- (c) It is the responsibility of the individual member to notify the outside employer of this procedure.

#### **1040.2.7 TEMPORARY EXTRA WORK ASSIGNMENTS-SPECIAL DETAILS AND AUXILIARY SERVICES**

This General Order does not cover paid and departmental-approved extra detail work assignments that have been approved by the Operations Division Commander and work permits are not required.

## Personal Appearance

### 1046.1 POLICY

It is the policy of this Department to establish a standard of uniform appearance for the safety of the officers and to project a positive, professional image of all personnel to the public.

Sworn members and designated non-sworn employees, unless specifically exempted, shall wear the specified uniform while on-duty. All on-duty members and employees in uniform or plainclothes will dress and be personally groomed in such a way that professionally represents the Department.

### 1046.2 POLITICAL ACTIVITIES, ENDORSEMENTS & ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Santa Cruz Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or identify himself/herself as an employee of the Santa Cruz Police Department to do any of the following (Government Code §§ 3206 and 3302):

Endorse, support, oppose, or contradict any political campaign or initiative.

Endorse, support, oppose, or contradict any social issue, cause, or religion.

Endorse, support, or oppose, any product, service, company or other commercial entity. Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

#### 1046.2.1 MAINTENANCE OF UNIFORM

All sworn members and designated non-sworn members shall maintain a serviceable uniform regardless of their assignment.

- (a) Uniforms shall be kept neat, clean and pressed. Leather and metal-wear shall be polished.
- (b) Uniforms with holes, tears, or showing obvious signs of wear or repair will not be worn. All supervisors have the authority and duty to require compliance.
- (c) Uniforms will be purchased, replaced and cleaned by members in accordance with current MOU's between individual employee bargaining units and the City of Santa Cruz.

#### 1046.2.2 UNIFORM CLEANING (POA MEMBERS)

The City, MPOA and POA agree unit employees will comply with departmental standards with regard to appearance and cleanliness. To this end, the City agrees to pay the cost of cleaning department authorized uniforms. For this purpose, the City has established an account at a dry cleaning establishment located within the City of Santa Cruz. For its part, the associations agree its members will:

- (a) Deliver and retrieve uniforms from the dry cleaning establishment; and
- (b) Shall do so during non-working hours; however

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- (c) Under exceptional circumstances, subject to the approval of the Chief of Police or his representative, uniforms may be delivered or retrieved during working hours. The City and the POA believe it is counter-productive, at this time, to establish minimum or maximum number of cleanings authorized by this section. It is understood, however, the Section Chief of Police and/or associations will monitor this program and advise the other party if any problems materialize.

#### **1046.2.3 UNIFORM REPLACEMENT**

Pursuant to Memorandum of Understanding, the City agrees to provide replacements for worn out or damaged uniforms for employees, provided that uniforms are not damaged through gross negligence. Items covered by this program are: Shirts;

- (a) Shirts;
- (b) Shoes;
- (c) Pants;
- (d) Jackets;
- (e) Hat;
- (f) Tie; and
- (g) Ballistics vest.

Uniforms replaced under this provision shall be replaced on an equivalent class basis, i.e., Class A pants will be exchanged for Class A pants. These items are not to be used other than while working for the City or while traveling to and from work. Uniforms to be surveyed for wear or damage shall be presented to the appropriate Section Lieutenant.

#### **1046.2.4 REPLACEMENT PROCEDURE**

For each item to be replaced, a Replacement Slip will be prepared in duplicate and signed by a Deputy Chief and a Lieutenant. The Replacement Slip will be dated and is only valid for sixty days from date of issuance. If not used within that time, it will be null and void and officers will not be able to obtain replacement at City expense.

The original slip shall be given to the Purchasing Clerk, who shall issue an Authorization Form to the contracting uniform company for replacement of the listed item. Upon receipt of the replacement item, the officer shall sign the vendor's invoice slip acknowledging the item was received in proper order and quality.

All uniform items accepted for replacement shall become the property of the City of Santa Cruz.

It shall be the responsibility of each unit employee to arrange for purchasing, fitting, pickup, delivery, return, repair and control of uniform items. Overtime will not be authorized.

#### **1046.2.5 UNIFORM ISSUANCE UPON HIRE (POA MEMBERS)**

Upon employment, the City will provide to POA members assigned to uniform duty, the following basic items:

- (a) Two pair of uniform pants;
- (b) Two long sleeve shirts;
- (c) Three short sleeve shirts;
- (d) One tie and silver bar;

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- (e) One issue rain gear;
- (f) One issue crowd control gear;
- (g) One pair safety shoes;
- (h) One duty jacket; and
- (i) Dress hat.

All items will meet specification of the "Uniform" General Order.

No socks, T-shirts or underwear will be provided. Optional uniform wear beyond the basic issue is not provided, unless required for "special assignment" (i.e., K-9, motors). Those employees in "Trainee" status and assigned to attend the basic police academy will be issued police academy uniforms as required for this training. No duty uniform will be issued until the completion of this training, unless required by the academy.

#### **1046.2.6 UNIFORMS**

Members and employees assigned to a uniform function shall wear a full uniform, which shall include both a badge and a name tag, on the outermost garment, unless specifically exempted from doing so by their Division Commander.

Police Sergeants, Police Patrol Officers and Community Service Officers shall wear an authorized protective vest issued by the department at all times that they are working outside the police facility in uniform. A protective vest shall be optional for employees in plainclothes assignments or employees who work predominantly in an off-related assignment. (The Chief of Police may exempt an employee from this requirement upon proof of sufficient medical evidence that it would be detrimental to the health of the employee). Only approved uniforms and equipment will be worn unless specifically authorized by the Chief of Police. Uniforms will be worn only while on-duty, or when traveling in uniform in order to report for duty or after securing from duty. During off-duty travel, a cover coat will be worn.

Police Reserve Officers shall receive the same uniform issuance, replacement and cleaning as regular officers.

#### **1046.3 DETERMINATION OF UNIFORM CLASS OR ATTIRE**

It is the responsibility of all supervisors on a daily basis to ensure the grooming and dress standards are upheld. Sergeants shall be responsible for periodic daily inspections of all uniforms.

Division Commanders will designate the appropriate uniform class or attire to be worn by on-duty members and employees within their respective division.

- (a) Supervisors may change the uniform class or attire for their shift or any special details occurring during their shift only with the approval of their Team Section Commander.

#### **1046.3.1 COURT APPEARANCES**

Members and employees appearing in court representing the Department shall wear either their uniform, a business suit, or a sport coat and tie. Female employees will wear business suits, dresses, or slacks consistent with business attire. In some instances, plainclothes attire may be preferable for court. Supervisors shall have discretion giving direction on attire (i.e. suit or uniforms) for court appearances.



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#### **1046.3.2 UNIFORM CLASSES FOR SWORN MEMBERS**

##### **Class "A" Uniform:**

Dress hat, navy blue lke jacket, navy blue long sleeve shirt, black tie, navy blue trousers, black dress shoes or boots, black or navy blue socks (white socks may be worn when they are not normally visible due to boot height), and white gloves.

- Motorcycle officers shall wear approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding breeches with gold and navy stripes, black riding boots and white gloves. A black bow tie is optional.

##### **Class "B" Uniform:**

Navy blue long sleeve shirt, navy blue trousers, polished plain-toed black boots or shoes (either dress or leather athletic shoes) and navy blue or black socks (white socks may be worn when they are not normally visible due to boot height). A black tie, black turtleneck or black dickie may be worn at the Watch Commander's option, with emphasis on uniformity of appearance.

- Optional items: Navy blue nylon jacket (heavy or lightweight), dress hat, cold weather knit hat, navy blue lke jacket (only with black tie), and black leather gloves. The rank of sergeant and above may wear the approved navy blue V-Neck sweater (only with black tie).
- Motorcycle officers shall wear the approved motorcycle helmet, eye gear approved by the Department of Industrial Safety, navy blue wool riding breeches with gold and navy stripes, black riding boots, black leather gloves, and 15 inch silver lanyard with chrome whistle. They may wear the approved leather jacket and/or black bow tie.

##### **Exception to Class "B" Uniform:**

- Canine officer may wear the approved navy blue BDU shirt, navy blue BDU trousers, and black boots. They may also wear the navy blue SCPD baseball cap.
- Officers assigned to bicycle patrol may wear the approved black protective bicycle long pants ("Alitta" model 300). They may also wear eye-gear approved by the Department of industrial safety.

##### **Class "C" Uniform:**

Same as Class "B" uniform except that the navy blue short sleeve shirt will be worn (open collar with white or black crew-neck T-shirt).

##### **Class "D" Uniform:**

Navy blue short sleeve shirt (open collar with white or black crew-neck T-shirt), blue short pants, plain white crew socks (mid-calf height), and black athletic shoes.

- Optional items: Navy blue nylon jacket and black leather gloves. The navy blue SCPD baseball cap may only be worn with shorts, or during inclement weather. Approved black short pants may be worn while on bicycle patrol. Long pants must be available in case of reassignment.

##### **Class "E" Uniform:**

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Navy blue baseball cap, black crew-neck T-shirt, department issued black two-piece BDU's (pant legs bloused), black boots, and black leather protective gloves. This uniform is to be worn for crowd control and special assignments.

#### **1046.3.3 RAIN GEAR/WINDBREAKERS**

**Rain Gear:** Black pants and coat per department specifications.

**Windbreaker:** Black nylon with the words "Santa Cruz Police" stenciled in white on the back and "Police" stenciled with white on the upper half of each sleeve. A badge with the wearer's badge number will be stenciled in white on the left breast area and the wearer's rank and last name will be stenciled in white on the right breast area. Windbreakers may only be worn when approved by the rank of Lieutenant or above.

**Alternate Uniform:** Personnel may wear the following uniform at their own expense when assigned to non-enforcement duties and with the approval of their watch commander (or Records Manager for Records section personnel):

- (a) Navy blue polo shirt with the City of Santa Cruz logo and the words "Police" embroidered under the logo, tan pants, black or brown belt, black or brown shoes and black, brown or blue socks. White socks may be worn when they are not normally visible due to boot height.

#### **1046.4 UNIFORM CLASSES FOR NON-SWORN EMPLOYEES**

##### **Property Attendants:**

Long sleeve or short sleeve Police polo shirt, black BDU pants, black basket weave belt, black shoes/boots.

##### **Community Service Officer/Community Service Aide:**

- (a) **Class "A" Uniform:** Dress hat, light blue long sleeve shirt, black tie, navy blue trousers (same specifications as officers), polished plain-toed black boots, dress shoes, and black or navy blue socks.
- (b) **Class "B" Uniform:** Light blue long sleeve shirt, navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, dress shoes, or leather athletic shoes, and black or navy blue socks (white socks may be worn when they are not normally visible due to boot height). A black tie, black turtleneck, or black dickie may be worn, at the Watch Commander's option. 1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves, knit hat.
  1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves.
- (c) **Class "C" Uniform:** Light blue short sleeve shirt (open collar with white crew-neck T-shirt), navy blue trousers (same specifications as worn by sworn officers), polished plain-toed black boots, dress shoes, or leather athletic shoes, and black or navy blue socks (white socks may be worn when they are not normally visible due to boot height).
  1. Optional Items: Dark blue nylon-type jacket (heavy or lightweight), black leather gloves.
- (d) **Class "D" Uniform:** Light blue short sleeve shirt (open collar with white crew neck T-shirt), blue short pants, plain white crew socks (mid-calf height), and black athletic shoes.

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1. Optional Items: Dark blue jacket (heavy or lightweight), black leather gloves, and approved navy blue SCPD baseball cap.
- (e) **Rain Gear:** Yellow jacket with "Community Service Officer" stenciled on the back and the CSO's name on the front in black letters. Black pants.
- (f) **Alternate Uniform:** Personnel may wear the following uniform at their own expense when assigned to non-enforcement duties and with the approval of their watch commander (or Records Manager for Records section personnel):
  1. Navy blue polo shirt with the City of Santa Cruz logo and the words "Police" embroidered under the logo, tan pants, black or brown belt, black or brown shoes and black, brown or blue socks. White socks may be worn when they are not normally visible due to boot height. The investigation Section Commander may designate alternate attire for special non-sworn assignments.

### **1046.5 PLAINCLOTHES ATTIRE**

All personnel assigned to wear plainclothes on-duty, regardless of rank or division assignments, including, but not limited to personnel on "light duty" shall maintain a style of dress consistent with business attire and maintenance of a professional image.

- (a) Business suits may be worn.
- (b) Ties shall be worn when appropriate.
- (c) Skirt/dress hem shall be no more than two inches above the top of the kneecap.
- (d) Sport coat with slacks are encouraged attire.
- (e) Collared shirts and slacks shall be worn.
- (f) Jeans will not be worn on-duty unless approved by the Division Commander.
- (g) Patches or slogans suggesting obscenity, nudity, racially or politically directed designs or alcohol or tobacco products, shall not be worn.

### **1046.5.1 POLICE EQUIPMENT**

Sworn members shall wear, at a minimum, their approved firearm, an extra magazine, their issued badge, handcuffs, and other issued equipment in accordance with Departmental General Orders and/or Divisional Directives. Equipment shall be worn or carried so that it cannot be seen.

- (a) Exceptions may be made by the Division Commander for those working in plainclothes with regard to attire, equipment, and appearance.

### **1046.6 PERSONAL APPEARANCE AND GROOMING**

The personal appearance of all personnel shall be consistent with good taste and maintenance of a professional image.

### **1046.6.1 GROOMING**

- (a) **Hair:** Male sworn members and non-sworn employees:
  1. Hair shall be kept clean, neat and properly trimmed at all times.
  2. Hair may be worn over the ear extending to, but not below, the bottom of the outer ear opening. Hair will not extend below the top of the shirt collar.
  3. Hair will not be spiked or multicolored.

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4. Sworn members shall maintain their hair so that when a basic cap is worn, the hair does not detract from a neat, professional appearance.
- (b) **Hair:** Female sworn members and non-sworn employees:
1. Hair shall be kept clean, neat and well-groomed at all times.
  2. Uniformed member's hair shall be pulled away from the face and hang no longer than the lower neck and shoulders if not in a pony tail or braid(s). If hair is worn in a pony tail or braid(s), hair may touch as low as the top of the shoulder blades. Hair shall be maintained so that when a basic cap is worn, the hair does not detract from a neat, professional appearance.
  3. Radical coloring or styles, rollers, curlers, etc., will not be worn.
  4. Hair will not be spiked or multi-colored.
- (c) **Facial Hair:**
1. Members and employees shall be clean-shaven when reporting for duty.
  2. Beards will not be worn, except with specific approval from the employee's Division Commander.
  3. Mustaches may be worn; however, they shall be neatly trimmed. They will not extend below the corner of the mouth, nor three-fourths of an inch horizontally beyond the corner of the mouth.
  4. Sideburns shall be neatly trimmed. They will not extend below the bottom of the earlobe and will end with a clean-shaven horizontal line. Exaggerated flares will not be worn.
- (d) **Make-up:**
1. Make-up may be worn by female employees but shall be of good taste and will not be of a type which detracts from a neat, professional appearance.
- (e) **Accessories:**
1. Sunglasses may be worn during daylight hours; however, those with mirrored or reflective lenses or bright colored frames shall not be worn. Sunglasses shall not be worn inside buildings. Tethers or straps shall be navy blue or black.
  2. Jewelry may be worn, but will not be of the type which could interfere with normal duties.
- (f) **Uniformed Sworn Members and Non-sworn Employees**
1. Earrings: Females may wear post earrings, no more than two in each ear. Males may not wear earrings. Exceptions may be made in certain undercover assignments by the Division Commander. No other jewelry/body piercing is permitted.
  2. Necklaces/Neck Chains: Officers may wear one necklace or neck chain as long as it hangs underneath the crew-neck T-shirt and is not exposed.
  3. Rings: Officer may wear no more than one ring on each hand.
  4. No bracelets except medical alert bracelets will be worn when in uniform.
  5. The above items will be worn so as not to detract from the uniform. Further, the City of Santa Cruz will not be held responsible for their loss or damage.
  6. Wrist or pocket watches: Officers are required to wear a watch.
  7. Nothing, other than authorized insignia or items, will be worn on the uniform.
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(g) **Plainclothes Employees:**

1. Earrings: No more than two earrings will be worn on each ear, with a maximum length of 1 1/2 inches. Male officers may not wear earrings without prior authorization from their Division Commander.
2. Rings: No more than one ring will be worn on each hand. Female non-sworn employees may wear three rings per hand to complete their attire.
3. Necklaces/neck chains, bracelets, wristwatches, pin, scarf pins and tie pins: not distracting from attire.

### **1046.7 UNIFORM IDENTIFICATION, INSIGNIAS AND DESIGNATION OF RANK**

(a) Shoulder Patch-official emblem as issued.

1. **Sworn Members:** sewn on both sleeves of all uniform shirts and jackets, 1/2 inch below the shoulder seam, centered on the crease.
2. **Non-sworn uniformed employees:** sewn on both sleeves of all uniform shirts and jackets, below and abutting a royal blue rocker denoting title (Community Service Officer, Community Service Aide, and Property Attendant). The rocker shall be sewn 1/2 inch below the shoulder seam, centered on the crease.

(b) Badge-official star as issued. Sworn members only.

1. **Uniform shirts/Ike Jacket:** Silver Star for Sergeant and Officer; Gold Star for Chief, Deputy Chief and Lieutenant pinned onto outermost garment.
2. **Nylon jacket and rain jacket:** Cloth or stenciled star affixed over left breast in place of the badge tab.
3. The purchase of additional badges (Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant) must be authorized, in writing, by the Chief of Police.

(c) Shield-official shield as issued. Non-sworn uniformed employees.

1. **Uniform shirts:** Silver shield pinned onto outermost garment.
2. **Nylon jacket and rain jacket:** Cloth or stenciled star affixed over left breast in place of the badge tab.

(d) Nameplate as issued. All uniformed employees.

1. **Uniform shirt/Ike jacket:** Silver for Sergeant, Officer, C.S.O. and C.S.A.; Gold for Chief, deputy Chief and Lieutenant pinned to outermost garment, centered over right pocket with base of name tag directly above upper pocket seam.
2. **Nylon jacket:** Cloth name tag in place of the metal name tag.
3. The nameplate will bear the employee's first initial and last name. The middle initial is optional.

(e) Award, Special Assignment, and Recognition Pins.

1. **Pins-Police uniform shirt:** A maximum of four pins may be worn. The placement of all pins shall be:
  - (a) **First Pin:** Worn on the right pocket flap centered and 3/4 inch below the top seam. For those employees having the 1989 Meritorious Service Pin from the Earthquake, the placement shall remain on the right pocket flap centered and 3/4 inch below the top seam.

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- (b) **Second Pin:** Worn above the right pocket, centered and 1 inch above the top seam. The recognition pin bearing the higher award will be worn above the pocket seam. The exception is the Meritorious Service Pin from the Earthquake.
  - (c) **Special Assignment Pin:** Worn above the right pocket, centered and 1 1/2 inches above the top seam.
  - (d) **United States Flag Pin:** On the left pocket flap, centered and 1/2 inch below the top seam.
2. **Pins-Ike Jacket:** All recognition pins may be worn.
- (a) **Recognition Pins:** Placement as stated above for the uniform shirt.
  - (b) **Second and subsequent pins:** Worn above the right pocket, centered and 1 inch above the top seam. Each successive pin will be placed 1/2 inch above the previous pin. The pin bearing the highest award shall be at the top.
  - (c) **Special Assignment Pin:** Worn above the right pocket, centered either 1 1/2 inches above the top seam, or if recognition pin is in place, 1/2 inch above the recognition pin.
  - (d) **United States Flag Pin:** On the left pocket, centered and 1/2 inch below the seam.
3. **Service Stripes:** One stripe shall be worn for each five years of service with a law enforcement agency as a full-time Peace Officer, described by Penal Code §§ 830.1 or 830.2, upon successful completion of probation with SCPD.
- (a) **Ike Jacket:** Two inch by 1/4 inch royal blue stripes with gold border, embroidered on black cloth, sewn on the front of the left sleeve at a 45-degree angle with the lower tip 3/4 inch above the cuff and the upper tip of the black cloth along the shirt crease. Additional stripes shall be positioned 1/4 inch (including gold border) above each other.
  - (b) **Long Sleeve Shirts:** Two inch by 1/4 inch royal blue stripes with gold border, embroidered on black cloth, sewn on the front of the left sleeve at a 45-degree angle with the lower tip 3/4 inch above the cuff and the upper tip of the black cloth along the shirt crease. Additional stripes shall be positioned 1/4 inch (including gold border) above each other.
4. **Designation of Rank**
- (a) **Sergeant:** Chevron Stripes: Regulation blue with gold trim, black base. Three strip chevron, tip 1/2 inch from lower point of left arm patch, centered on crease; right arm matching.
  - (b) **Lieutenant:** Gold bar worn on shirt collars (cloth insignia on Class "E" uniform). On police jacket, on military strap, centered one inch from shoulder seam.
  - (c) **Captain:** Gold twin bars worn on shirt collars (cloth insignia on Class "E" uniform). On Police jacket, on military strap, centered one inch from shoulder seam.
  - (d) **Deputy Chief:** Gold star worn on shirt collars (cloth insignia on Class "E" uniform). On police jacket, on military strap, centered one inch from shoulder seam.
  - (e) **Chief of Police:** Four (4) gold stars worn on shirt collars. On police jacket, on military strap, centered one inch from shoulder seam.

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#### **1046.8 LEATHERWEAR/UNIFORM SPECIFICATIONS AND**

All leatherwear worn with the uniform shall be polished black with a basket weave stamped design.

- (a) Metalwear, including snaps, belt buckles and key ring clips, shall be: Gold/brass for Chief, Deputy Chief and Lieutenant; Silver for Sergeant, Officer, C.S.O. and C.S.A.
- (b) Velcro leatherwear may be worn by sworn members.

#### **1046.8.1 UNIFORMED SWORN**

Uniformed sworn members shall wear the following items:

- (a) Dress belt.
- (b) Sam Browne belt (without shoulder strap).
- (c) Authorized holster.
- (d) Spare closed magazine case (single or double).
- (e) Handcuff case (a double handcuff case may be substituted or an additional single case may be worn).
- (f) Baton ring.
- (g) Belt loop device for portable radio.

#### **1046.8.2 UNIFORMED COMMUNITY SERVICE OFFICERS**

Uniformed Community Service Officer employees shall wear the following items:

- (a) Dress belt.
- (b) Sam Browne belt (without shoulder strap).
- (c) Handcuff case (a double handcuff case may be substituted or an additional single case may be worn).
- (d) Baton ring.
- (e) Belt loop device for portable radio.

#### **1046.8.3 OPTIONAL UNIFORM ITEMS**

Optional items for uniformed sworn and uniformed non-sworn employees:

- (a) Belt keepers.
- (b) Micro tape recorder case, for use with a pager, recorder or door opener.
- (c) Basket weave flashlight holder, full-size or miniature.
- (d) Basket weave knife (ammunition) case.
- (e) Key strap.

#### **1046.8.4 PLAINCLOTHES SWORN MEMBERS**

Plainclothes sworn members shall carry the following items:

- (a) Authorized holster.
- (b) Spare magazine case.
- (c) Handcuff case.

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#### **1046.8.5 UNIFORMED NON-SWORN**

Uniformed non-sworn employees shall wear a black basket weave dress belt with a silver-colored buckle.

#### **1046.8.6 HOLSTERS**

- (a) **Uniformed Duty Holster:** Must be leather or pressure molded plastic, black in color, stamped with basket weave design. The top of the holster must be no more than four inches below the bottom of the duty belt.
1. Holsters must be equipped with a safety strap which has a reinforced inside thumb break with a durable metal snap. The holsters shall fit the weapon and fit snugly on the standard duty belt to prevent the holster from sliding back and forth while drawing the weapon. A tension screw on the back of the holster may be added to secure the holster to the belt.
  2. The holster shall be of one of the following designs:
    - (a) **High Ride:** Holster designed to ride on the wearer's hip.
    - (b) **Break-Front holster:** Holster designed to allow the weapon to be drawn through the front portion of the holster.
    - (c) **Top Draw holster:** Holster designed to allow the weapon to be drawn from the top of the holster. It may also have a mechanical device/spring retention device. It may be either high ride or swivel in design.
    - (d) The holster will be worn on the same side of the body as the primary (strong) shooting hand.
    - (e) **Clamshell type holsters are not permitted.**
- (b) **Plainclothes Duty Holster:** May be constructed of leather, pressure molded plastic, or nylon. May be black, brown, or tan in color and either plain or basket weave.
1. Holster must be equipped with a safety strap which has an inside thumb break and durable snap or mechanical retentive device.
  2. The holster shall be one of the following designs:
    - (a) **Hip/pancake:** Holster designed to allow the weapon to be carried on a belt, close to the body and allows the weapon to be drawn from the top of the holster.
    - (b) For Colt Series 80 or similar pistols a holster may be made of leather, pressure molded plastic, or nylon. May be black, brown or tan in color and either plain or basket weave. The holster must be equipped with a safety strap which has an inside thumb break and durable snap, or an internal retention device which will securely retain the pistol in the holster. The internal retention device shall retain the pistol until released by a mechanical process controlled by the officer. Examples of holsters meeting this standard are the Black Hawk CQC Serpa holster or the Bianchi Model 32 holster.
    - (c) **Shoulder Holster:** Holster designed to allow the weapon to be carried suspended under the arm opposite the gun hand.
    - (d) **Ankle Holster:** Holster designed to be worn on the ankle and secured to the ankle by strap (Velcro/buckle).
    - (e) **Fanny Packs:** Pack secured to the body with a strap and consisting of a completely enclosed area in which to secure the weapon.



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- (f) **Ankle holsters and fanny packs may only be worn upon written approval of a Section or Division Commander.**
- (c) **Off-duty Holster:** Holsters include all of those specified above in addition to any holster using a mechanical or elastic retention device. Written approval is not necessary in order to carry any of the listed holsters.
- (d) **Performance requirements of the Duty Holster:** The holster must retain the weapon in the holster with the safety strap unsnapped while performing the following tasks:
  - 1. Seated in a patrol vehicle.
  - 2. Entering/exiting a patrol vehicle.
  - 3. Mounting/dismounting a police motorcycle.
  - 4. Climbing over a six foot fence or other obstruction.
  - 5. Jumping to the ground from the top of a six foot fence.
  - 6. Bending over at the waist and touching the ground.
  - 7. Moving from a sitting position and diving to the ground, rolling side to side.
  - 8. Kneeling or squatting.
    - (a) The wearer must be able to withdraw the weapon while in a seated position in a vehicle without moving their upper body other than to grasp the weapon and be able to replace the weapon in the holster with one hand in one movement.
- (e) **Authorized Duty Holsters:** The following holsters are authorized for duty use:
  - 1. Safariland Model 070
  - 2. Safariland Model 200 series
  - 3. Safariland Model 2
  - 4. Safariland Raptor 6070 and 6270
  - 5. Bianchi equivalent to the above.

All personnel wanting to carry a holster (on-duty) other than the department authorized holsters must have the holster tested and certified in writing by a Firearm Instructor. The holster must meet the criteria as outlined in this order. The certification will be forwarded to the Firearms Team Manager. The Firearms Team Manager will then submit a written recommendation, via the chain of command, to the Chief of Police. If the holster is approved, the policy will be revised to include the authorized holster. Only then may the holster be carried on-duty.

#### **1046.8.7 SAFETY EQUIPMENT (BALLISTIC HELMETS)**

- (a) Ballistic (Kevlar) helmets will be supplied to all sworn personnel. The intent of the ballistic helmet is to provide maximum safety to officers in the performance of their duties.
- (b) Employees shall wear the ballistic helmet while performing non-routine activities that indicate the need for maximum head protection.
- (c) A supervisor, the senior officer, or obvious need as seen by the responding officer on the scene shall make the decision to wear the ballistic helmet. Therefore, uniformed employees shall have their ballistic helmet readily available while on-duty.

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#### **1046.8.8 UNIFORM SPECIFICATIONS-SWORN MEMBERS**

(a) **SCPD Wool Baseball Cap**

1. Material: Wool.
2. Color: Navy Blue.
3. Style: Fitted Wool.
4. Insignia: "Santa Cruz Police" in embroidered white lettering on front.

(b) **Dress Hat**

1. Material: 16 oz. Serge or Elastique.
2. Color: Navy Blue.
3. Style: Police Round.
4. Grommet: One-quarter inch metal, black.
5. Vents: Closed, cloth (non-basket), with royal blue upper and lower border.
6. Visor: Black patent leather, approximately 45-degree angle.
7. Strap: Royal blue cord braid for Patrol Officer; silver metal band for Sergeant; gold metal band for lieutenant; gold stamped band for Deputy Chief and Chief of Police.
8. Buttons: Regulation police "P" buttons- Silver for Sergeant, Officer, C.S.O. and C.S.A.; Gold for Chief, Deputy Chief and Lieutenant.
9. Badge: Department issued hat piece.

(c) **Cold Weather Knit Hat:** Black with the word "Police" embroidered in white letters across the front and the wearer's badge number embroidered in white numbers on the back.

(d) **Gloves**

1. Material: Cotton.
2. Color: White.
3. Style: Form-fit, plain. Or
4. Material: Leather and/or neoprene.
5. Color: Black.
6. Style: Form-fit, plain.

(e) **Jacket-Eisenhower**

1. Material: Serge or Elastique.
2. Color: Navy Blue.
3. Adjustment: Straps with two buttons at side seam.
4. Closing: Full zipper front.
5. Sleeves: Coat sleeves, full at a wrist.
6. Lining: Black rayon.
7. Pockets: Two military flap jacket pockets on breast with vertical pleat.
8. Expansion: Vertical pleat from each shoulder seam to waistband in back.
9. Length: Sufficient length to cover gun belt at normal waist position.
10. Buttons: Police "P" buttons-"Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant.

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11. Lapels: Peak type.
12. Epaulets: Military shoulder straps.
13. Band: Single blue for officer and Sergeant; single gold band for Lieutenant; two gold bands for Deputy Chief; three gold bands for Chief.

(f) **Crowd Control Pants**

1. Material: Twill fabric, 65% polyester/35% combed cotton.
2. Color: Black.
3. Style: ProTuff BDU pants, Model# 101P or equivalent.

(g) **Crowd Control Shirt**

1. Material: Twill fabric; 65% polyester/35% combed cotton.
2. Color: Black.
3. Style: ProTuff BDU shirt, Model# 101S or equivalent.

(h) **Jacket-Nylon**

1. Material: Nylon.
2. Color: Navy Blue:
3. Manufacturer: Blauer, or equivalent.
4. Style: Short, all nylon coat. Style to fit body loose, with waist length body.
5. Pockets: Breast pockets with "P" buttons-Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant.
6. Sleeves: Each sleeve tab to have two navy blue buttons. Tab stitched down along length of tab, at top of tab only.
7. Collar: Navy blue, nylon.
8. Closure: Fly front to include #4 double zippers, no buttons.
9. Epaulets: Cross-stitched epaulets to be sewn down on shoulder. Cross-stitching to extend 2 1/2 inches at shoulder seam. Size to be 2 5/8 inches at shoulder seam tapering to 2 1/8 inches. Length to be such as to extend under collar. Each epaulet to be buttoned down with one "P" button, regulation (Silver for Sergeant and Officer; Gold for Chief, Deputy Chief and Lieutenant).
10. Badge: Cloth star affixed over left breast in place of the badge tab.
11. Nameplate: Cloth name tag affixed over the right breast pocket.

(i) **Sweater (rank of Sergeant and above)**

1. Material: 30/70 Poly/Wool blend.
2. Color: Navy Blue.
3. Style: Fecheimer #00800 Command Sweater or Blauer Commando#210, heavy knit, v-neck sweater with epaulets and reinforced elbows.
4. Badge: Large cloth reinforced badge holder.

(j) **Motor Pants**

1. Material: Wool.
2. Color: Navy Blue.
3. Style: Riding breeches. The brand Sinatra meets the specifications.

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4. Stripes: Gold and navy stripes, 1/2 inch in width, sewn on the outside seam of both legs.

(k) **Neckwear Clip on Necktie**

1. Material: One-ply Raeford Worsted Company's No. 900-1 or 900-13 in shade 561 or equal.
2. Color: Black with a dull finish.
3. Style: Double Windsor "Redi-Tied Knot" with a bend-over metal clip (E-Z clasp quality), providing a "breakaway" feature when worn. The clip shall be quality steel for durability and dependability.
4. Length: The tie shall be made available in two lengths:
  - (a) Regular: 16 inches from the bottom of the knot plus or minus 1/4 inch;
  - (b) Long: 17 inches from bottom of knot, plus or minus 1/4 inch. The tie shall have no less than 2 1/2 inch nor more than 2 3/4 inch width at approximately 1 1/4 inches above the bottom point. The tie shall be 2 inches wide at a point 5 inches below the bottom of the knot, plus or minus 1/2 inch.

(l) **Neckwear Bow Tie (Motor Officers)**

1. Material: Synthetic.
2. Color: Black.
3. Style: Traditional Motor Officer Bow-Tie.
4. Brand: Broome.

(m) **Tie Bar/Tie Tac**

1. For Sergeant and Officer: A plain silver bar, silver bar with SCPD Star, or SCPD Patch.
2. For Chief, Deputy Chief and Lieutenant: A plain gold bar, gold bar with SCPD Star, or SCPD Patch.
3. No other items are authorized.

(n) **Shirt - Short and Long Sleeve (Wool)**

1. Material shall meet the following minimum standards:
  - (a) Weave: Tropical worsted.
  - (b) Weight: 10-10 1/2 ounces on a 60 inch width.
  - (c) Fiber content: 100% wool.
  - (d) Wool Grade: Minimum of 64's virgin wool.
  - (e) Yarn ply: Two-ply in both warp and filling.
  - (f) Tensile Strength: 56 pounds in warp, 46 pounds in filling.
  - (g) Construction: 50 ends per inch, 46 picks per inch.
  - (h) Shade: The fabric shall be dyed to match the standard SCPD shade which is the same as Metcalf's shade #125 blue.
  - (i) Color Fastness shall be rated as good for the following:
    1. Light fastness at 40 SFH;
    2. Perspiration;
    3. Dry Cleaning;

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4. Wet and dry crocking.
  - (j) Manufacturers: Flying Cross, Jaguar and Elbeco, or equivalent.
2. Collar (Male-Long Sleeve)
  - (a) Military style with one button closure at the neck using a 5/8 inch button. Band shall be 1 1/2 inches high in back and 1 inch in front, full-stitched with four horizontal stitch-lines 1/2 inch apart or diagonally quilt-stitched.
  - (b) Band shall be lined with good grade rayon of matching color and interlined with matching 5.00 sanforized interlining. Top collar shall be approximately 3 1/3 inches at the front point and 1 7/8 inches at the back with a 2.85 sanforized interlining. Collar spread at closure shall be 3/4 inch to provide for the metal clip "breakaway" necktie.
  - (c) Collar points may either be slotted and sewn on the underside to accommodate celluloid collar tabs 1/4 inch wide and 2 1/4 inches long, or "Perma-Stay" flexible type tabs permanently anchored inside the collar may be used.
3. Collar (Male-Short Sleeve)
  - (a) Shall be semi-dress convertible sport type consisting of three pieces: collar top, interlining and facing. It shall be sewn to the yoke and shall curve over the shoulders. Points shall measure 1 5/8 inches at the center of the back and shall completely cover the seam hinging the yoke and collar; shall be interlined with black Pellon. The collar shall be inch edge double-stitched all around.
  - (b) There shall be two 2 1/4 inch bi-angle inset tab pockets under the collar to provide for the celluloid stays. Stays shall measure 2 1/4 inches long and 1/4 inch wide. "Perma-Stay" flexible type tabs permanently anchored inside the collar may be used.
4. Collar (Female-Short and Long Sleeve)
  - (a) Shall conform to the same minimum standards and general specifications as the male summer collar in this section, with the exception that the female collar shall be a one-piece convertible collar on both long and short sleeve shirts, to measure 3 inches at all points.
5. Body (Male-Short and Long Sleeve)
  - (a) Form fitting with a straight yoke 3 inches deep extending up to the collar and well over the shoulder. The yoke may be less than 3 inches deep when required to ensure a proper fit. Front shall have not less than 1 5/8 inch nor more than 1 3/4 inch box pleat with self-facing and six 5/8 inch buttons and corresponding vertical buttonholes. Shall be open-front style. All seams shall not be less than 1/4 inch nor more than 3/8 inch double stitched.
6. Body (Female-Short and Long Sleeve)
  - (a) Shall conform to the same minimum standards and general specifications as the male shirt in this section, with the exception that the body of the female shirt will be form-fitting with a straight yoke approximately 2 inches deep, extending up to the collar and well over the shoulder.

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- (b) Front shall button right side over left side with six buttons spaced 3 1/2 inches apart. Second button to be positioned 2 inches from top (neck) button.
  - (c) The shirt shall have maximum waist suppression with normal dart construction providing proper conformation to the wearer's bust and waist contour. The darts shall not be seams, but shall be tucked, pressed, and sewn so that the waist may be expanded or contracted to fit the wearer. The length of the darts shall be variable to size; however, the darts at the waist shall extend vertically above and below the natural waist.
7. Pockets (Males-Short and Long Sleeve)
- (a) Two breast patch pockets shall be 6 inches deep and 5 3/8 inches wide at the top and bottom. Each pocket shall have a 3-point flap 5 1/2 inches wide, 2 3/4 inches at the points, and 2 1/4 inches at the curves.
  - (b) A vertical imitation style buttonhole (Slightly cut through to allow Department button to be toggled) shall be located on the center point line of each flap. A size 1/0 black oxidized square Prym Auto Matic snap (Amity Notion) shall replace Velcro on the outside points of each pocket flap. The male portion of the snap shall be sewn to the pocket while the female portion will be sewn to a corresponding position on the flap point. The snaps shall be located as near to the point end as possible, but not visible from the side.
  - (c) The bottom corners of the pockets shall be rounded, double-stitched on the bottom and two sides with a 1/2 inch hem across the top. A pencil pocket with a 1 inch opening through the flap shall be made on the right side of the left pocket. The pockets shall be 1 3/4 inches from the center of the top center. There shall be no eyelet or button on the pocket.
8. Pockets (Females-Short and Long Sleeve)
- (a) Shall conform to standards and general specifications as the male shirt pockets in this section, with the exception that the female shirt pockets shall measure 4 7/8 inches wide and 5 inches deep. Flaps shall measure 5 1/4 inches across and 2 1/4 inches in depth at the center point, and 1 3/4 inches at sides, secured to front of shirt pocket approximately 1/2 inch above pocket. Each pocket shall have Velcro tape 1 inch long by 3/8 inch wide positioned on both edges of each pocket to correspond with outer scalloped flap points.
9. Epaulets (Short and Long Sleeve)
- (a) Cloth extending from the sleeve seam to within 3/8 inch of the seam joining yoke and neck band and shall lie flat upon the shoulder. The forward edge shall overlap 1/4 inch parallel to the top shoulder seam of the yoke. The strap shall measure 2 inches wide at the sleeve seam and 1 1/2 inches at the top which shall come to a point measuring 1/2 inch at the center. An imitation style buttonhole perpendicular to the collar shall be centered in the open end of the strap with the end of the buttonhole nearest the collar measuring 1/2 inch from the extreme edge of the point of the shoulder strap.
  - (b) A 3 1/16 inch elongated eyelet shall be located in the yoke directly beneath the opening "I" in the strap to facilitate the toggling of the Department button. The strap shall be stitched to the shoulder seam with two rows of stitching and shall be stayed across 2 1/4 inches above the shoulder

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seam and cross-stitched. The entire length of the strap shall be sewn to the shirt by stitching over the 1/4 inch edge stitch line.

10. Buttons (Short and Long Sleeve)
    - (a) All buttons shall be of 24 ligne best quality plastic to match the color of the shirt.
  11. Badge Holder (Short and Long Sleeve)
    - (a) Shall be made of cloth 2 1/2 inches long and 1 inch wide centered above the left pocket flap. It shall be equipped with two black rustproof metal eyelet's center spaced 2 inches with the top eyelet center located 3 1/4 inches above the top of the pocket flap. No part of the holder shall show from behind the badge.
  12. Long Sleeves
    - (a) Shall have reinforced elbows made by extending the plackets 11 1/4 inches from the cuffs and widening to 6 3/4 inches at the elbow extending down the inseam a minimum of 5 1/2 inches. The placket vent shall be double-stitched all around. These measurements based on size 15 x 34. All other shirt sizes shall have proportionate measurements.
  13. Cuffs (Long Sleeve)
    - (a) Shall be 2 1/2 inches wide and square with two buttons and buttonholes evenly spaced. Shall be double-stitched all around with not less than 15 stitches to the inch using double O thread of best quality. Cuff's shall be interlined with 5.00 sanforized, matching interlining.
  14. Short Sleeve (Male)
    - (a) The length of the sleeves shall extend to within approximately 1/2 inch above the inside of the forearm and in no event touch the forearm when it is bent at a 90-degree vertical angle. The sleeves shall be finished with a turned up hem single-stitched 3/4 inch from the bottom. The center line of the sleeve shall be sewn to square off the bottom of the sleeve which shall be tailored proportionately to the wearer's arm.
  15. Short Sleeve (Female)
    - (a) Length of sleeves shall finish approximately 8 inches from the shoulder seam.
- (o) Shirt-Short Sleeve and Long Sleeve (Permapress)
1. Material shall meet the following minimum standards:
    - (a) Weave: Tropical.
    - (b) Fiber Content: All synthetic tropical weave 65% Dacron Polyester/35% Avril Rayon.
    - (c) Yarn Size: All yarns size 10/1 singles or better.
    - (d) Tensile Strength: 100 lbs in warp; 70 lbs. in filling.
    - (e) Construction: 50 warp x 40 filling yarns per square inch.
    - (f) Air Permeability: 131 ASTM D 737-46 (Air flow per cu ft. per sq.ft. min.)-typical.

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- (g) Shade: The fabric shall be dyed to match the standard Santa Cruz Police Department alternate shirt shade which is the same as Metcalf's shade no. 125-blue.
  - (h) Color Fastness shall be rated as good for the following:
    - 1. Light fastness at 40 SFH
    - 2. Perspiration
    - 3. Dry cleaning or laundering
    - 4. Wet and dry crocking
    - 5. Gas fading
    - 6. Ozone fading
  - (i) Weight: 10-1-1/2 ounces on a 60 inch width.
  - (j) Manufacturers: Flying Cross, Jaguar, Elbeco, or equivalent.
2. Collar and Band
- (a) Military-style with one button closure at neck. Collar points to measure approximately 3 1/4 inches long with sewn-in Mylar stays. Collar height at rear 1 1/2 inches. Top-stitched 1/4 inch off the edge. Collar stand to measure 1 5/16 inches at rear and band to be die cut and interlined with stabilized Mell-Press (#285 in collar, #500 in band), or equivalent.
3. Body (Male-Short and Long Sleeve):
- (a) Form-fitting, plain front coat-style, collar attached. Two scalloped flapped plain breast pockets. Straight yoke 4 inches deep extending up to the collar and over the shoulder. Shall be open front style.
  - (b) Long sleeve model: left front to have 1 1/2 inches selvage edge rever held in position by 7 buttonholes; right front to have 1 inch hemmed self-button piece along front edge with 7 buttons to correspond with front buttonholes.
  - (c) Short sleeve model: front to have 3 inches width facing extending from neckline to bottom of shirt provided by a turn under of material.
  - (d) Single needle stitching throughout except sleeve inserting and side closing felling seams, which are to be safety-stitched. All top-stitching 1/4 inch from edge. All sewing threads to be cotton wrapped filament Dacron/Polyester to match.
4. Body (Female-Short and Long Sleeve)
- (a) Shall be the same as the specifications for the short and long sleeve wool shirt.
5. Pockets and Flaps (Male-Short and Long Sleeve).
- (a) Two plain rounded corner breast pockets. Pocket to measure 5 7/8 inches wide, 6 inches deep. Left breast pocket to have 1 1/4 inches pencil stitch.
  - (b) Each pocket to have Velcro tape 1 inch long by 3/8 inch wide, positioned on both edges of pocket to correspond with outer scalloped design to measure 5 7/8 inches across and 2 3/4 inches in depth at points, 2 1/4 inches at curves and secured to shirt front approximately 1/4 inches above pocket.
  - (c) Left flap to have invisible pencil opening 1 1/4 inches to correspond precisely with pencil slot of pocket.



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- (d) Both flaps to be interlined with #500 stabilized Mello-Press or equivalent. Underside of the flap to have Velcro tape 1 inch long by 3/8 inch wide, positioned on outer points of both pocket flaps as sample. Flaps to be top-stitched 1/4 inch from edge.
- 6. Pockets and Flaps (Female-Short and Long Sleeve)
  - (a) Shall be the same as the specifications for the short and long sleeve wool shirt.
- 7. Epaulets (Male-Short and Long Sleeve)
  - (a) Style and dimensions as sample. Asymmetrical shape top-stitched 1/4 inch off the edge to be set on yoke with leading top stitch conforming with front joining seam. To measure 2 1/8 inches at sleeve tapering to approximately 1 7/8 inches and set not more than 1/2 inches from folded collar. Cross-stitched approximately 2 inches from the sleeve seam. The entire length of the epaulet shall be sewn to the shirt by stitching over the 1/4 inch edge stitching.
- 8. Epaulets (Female-Short and Long Sleeve)
  - (a) Shall measure 2 inches at sleeve head, tapering to 1 3/8 inches.
- 9. Buttons (Short and Long Sleeve)
  - (a) Buttons shall be of 24 ligne melamine to match the color of the shirt.
- 10. Badge Reinforcement (Short and Long Sleeve)
  - (a) Shall be self-cloth, two-ply sling, 1 1/8 inches wide centered over left pocket and stitched to shoulder seam and flap setting stitch. To have two rustproof buttonhole eyelets; top eyelet centered approximately 3 1/2 inches from top of pocket flap, spaced 2 inches apart and centered on sling.
- 11. Sleeves and Cuffs (Long Sleeve)
  - (a) Long sleeves are to be cut straight and whole, with 5 1/2 inch sleeve vent. Shall have top and bottom sleeve facing with block point. Top facing to measure 1 inch in width. Cuff to measure 2 3/4 inches with rounded corners.
- 12. Short Sleeve (Male)
  - (a) Sleeves are to be cut straight and whole, to have 1/2 inch hem and finish approximately 9 1/2 inches long from shoulder seam.
  - (b) Convertible sport collar shall be one piece and to measure approximately 3 1/4 inches only at points. The collar to be made with permanent collar stays. Interlined with stabilized Mello-Press #285 or equivalent. Top stitched 1/4 inch off the edge.
- 13. Military Creases
  - (a) Seven baked-in sharp military creases on all shirts. One crease on each front to be centered vertically through pocket and flap.
  - (b) Spacing for military creases on shirt back to be proportionate to the size of the shirt as follows:
    - 1. Sizes 14 through 15 1/2, creases to be 4 3/4 inches apart;

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2. Sizes 16 through 18 inclusive, creases to be 5 3/8 inches apart as measured from the center crease. Military creases on both sleeves to be centered on the middle of the shoulder strap.

#### (p) Shoes and Boots

1. Color: Black shoes or boots; black athletic shoes.
2. Style: Plain or capped tow (no engraved design). Only round-toed, narrow-necked boots allowed, with heel height not to exceed one and one-half inches.
3. Athletic shoes without engraving or colored design. The top may not be higher than the ankle. When worn with Class B or C uniform, athletic shoes must be polishable leather.
4. Height: Optional for black shoes or boots.

#### (q) Short Pants

1. Color: Ink Blue.
2. Style: Athletic shorts.
3. Brand: Sportif USA#670170.
4. Material: Polyester/Cotton Spandex.
5. Length: No modifications may be made to the length.

#### (r) Socks

1. Material: Optional.
2. Color: Navy blue or black (white with short pants).

#### (s) Trousers (Wool): Material shall meet the following minimum standards:

1. Weave: Serge or Elastique.
2. Weight: 16-16 1/2 ounces on a 60 inch width.
3. Fiber Content: 100% Wool.
4. Wool Grade: Minimum of 64's picks per inch.
5. Yarn Ply: Two-ply in both warp and filling.
6. Strength: 126 pounds in warp, 100 in filling.
7. Construction: 68 ends per inch, 64 picks per inch.
8. Shade: The fabric shall be dyed to match the standard Santa Cruz Police Department shade which is the same as Metcalf's shade no. 386-16 Blue. Stock dye or piece dye shall be permitted.
9. Color Fastness shall be rated as good for the following:
  - (a) Light fastness at 40 SFH
  - (b) Perspiration
  - (c) Dry Cleaning
  - (d) Wet and dry crocking
10. Durable Press: The fabric may be treated with a durable press, "coin-op" dry leaning finish. It shall not be permanently creased.
11. Manufacturers: Horace Small, Fecheimer or equivalent.

# Santa Cruz Police Department

## Policy Manual

### *Personal Appearance*

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12. **Style and Construction:** Shall be the slacks type. Rise shall be of sufficient length to allow the bottom of the waistband to ride above the hip bones. Waistband shall be cut in two separate pieces, 2 inches wide, made in the closed method, and lines to match the pocketing. A rubberized waistband 1 inch wide, shall be sewn to the inside of the trouser waistband. It shall be resistant to dry cleaning and laundering agents, light, perspiration and weather. Trousers shall have an inner seat lining of black shade. Seat area shall be fully lined, not less than 7 inches downward and around the crotch area. Seams shall be sewn with polyester core thread and inside seams shall be overcast.
  13. **Legs:** Shall hang to a point to less than 1 inch nor more than 2 inches from the top of the heel in back, and hollowed in front to allow the bottoms of the trouser to rest on the shoes without a break. Leg bottoms shall be plain with a minimum 2 inch turn up, 17 inches wide, size 33, and a 20 inch knee (graded according to size). Leg bottoms shall have self-cloth stays at the front and back.
  14. **Pockets:** Both male and female police officer trousers shall be constructed with one watch, two hip, two club, and two side pockets. Hip pockets shall be 6 inches wide and 7 1/2 inches deep, finished with approximately a 1/8 inch double cord edge with a 1 1/2 inch facing on the back and a 3/4 inch finish on the front; facings shall be self-cloth. A club pocket 3 1/2 inches wide and 8 inches deep shall be placed 5 1/4 inches below each hip pocket; same finishing as hip pockets. The front edge of the club pockets shall be 3/4 inch from the side seams of the trousers. Side pockets shall have an opening not less than 6 1/2 inches and shall be 4 inches deep measuring from the bottom of the pocket opening to the bottom of the pocket. Side pockets shall have a 1/4 inch welt edge. Facing of self-cloth shall measure 1 1/2 inches top to bottom finished. All pockets shall be made with Indo-Carbon dye, prototype no. 126, and shall be double lock stitched at the bottom. A watch pocket, 3 inches wide and 4 inches deep, shall be placed on the right side of the trousers. All pockets shall be securely stayed and reinforced with heavy bar tacking in triangular shape. Note: Police Officers have the option of sewing closed the side trouser pockets to prevent a "gaping open" effect. Note: Police Officers shall have seven (7) stitched-through belt loops 3/4 inch wide, to allow a belt 1 3/4 inches wide to pass through.
  15. **Belt Loops:** Shall have seven (7) stitched-through belt loops 3/4 inch wide, to allow a belt 1 3/4 inches wide to pass through. One loop, center back, shall be dropped and stitched inch below the waistband. The remaining six (6) loops shall extend over the top of the waistband and stitched into the waistband lining. Loops shall be proportionately spaced from the center back to the front.
- (t) Trousers (Wash and Wear) Material shall meet the following minimum standards:
1. **Weave:** Serge or Elastique.
  2. **Fiber Content:** All synthetic weave 65% Dacron Polyester/35% Avril Rayon.
  3. **Shade:** The fabric shall be dyed to match the Santa Cruz Police Department alternate shirt shade which is the same as Metcalf's shade no 125-Blue.
  4. **Color Fastness** should be rated good for the following:
    - (a) Light fastness at 40 SFH.
    - (b) Dry cleaning or laundering.
    - (c) Wet and dry crocking.
    - (d) Gas and Ozone fading
-

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### *Personal Appearance*

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5. Manufacturers: Horace Small, Fecheimer or equivalent.
  6. Style and Construction: Shall be the same as the specifications for the wool trousers.
  7. Legs (Male Trousers): Shall be the same as the specifications for the wool trousers.
  8. Legs (Female Trousers): Shall be the same as the specifications for the wool trousers.
  9. Pockets: Shall be the same as the specifications for the wool trousers.
  10. Belt Loops: Shall be the same as the specifications for the wool trousers.
- (u) Optional Bicycle Patrol Long Trousers
1. Color: Black.
  2. Style: Bicycle patrol trousers.
  3. Brand: Alitta by Fecheimer (A310BK or A410BK) or equivalent.
  4. Material: 3 ply supplex nylon.
  5. Length: Long with zippers at ankles and Velcro straps at ankles to prevent chain rub. Note: Pants will only be issued to personnel assigned to permanent year-round bike patrol (i.e. downtown).
- (v) Turtleneck/Dickie
1. Material: Tight weave with half fold collar.
  2. Color: Black.
  3. Style: Long or short sleeved, cuffs not exposed from shirt sleeve. Dickies are optional, if they meet these specifications.
- (w) Undershirts
1. Material: Various.
  2. Color: White or Black.
  3. Style: Crewneck.

### **1046.8.9 UNIFORM SPECIFICATIONS NON-SWORN EMPLOYEES**

- (a) Property Attendants:
1. Jacket:
    - (a) Material: Nylon.
    - (b) Color: Navy Blue.
    - (c) Manufacturer: Blauer, or equivalent.
    - (d) Style: Long Sleeve.
  2. Shirt-Short Sleeve/Long Sleeve:
    - (a) Material: Wash and Wear.
    - (b) Color: Blue.
    - (c) Style: Polo shirt with City logo and "Police" on left breast.
  3. Shoes and Boots:
    - (a) Color: Black.
-

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### *Personal Appearance*

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- (b) Style: Plain or capped toe.
  - (c) Height: Optional.
- 4. Socks:
  - (a) Material: Optional.
  - (b) Color: Dark.
- 5. Trousers:
  - (a) Material: Polyester blend (wash and wear) B.D.U.
  - (b) Color: Black.
  - (c) Style: Trousers with pockets in front and back.
- (b) Community Service Officer/Community Service Aide:
  - 1. Cold weather Jacket:
    - (a) Material: Nylon.
    - (b) Color: Navy Blue.
    - (c) Manufacturer: Blauer, or equivalent.
    - (d) Style: Long sleeved.
  - 2. Shirt-Short Sleeve/Long Sleeve:
    - (a) Material: Polyester blend (wash and wear) or wool.
    - (b) Color: Light Blue.
    - (c) Style: Flying Cross Model #6625 FX Deluxe 2x2 Tropical Weave, or equivalent.
  - 3. Shoes and Boots:
    - (a) Color: Black shoes or boots. Black athletic shoes (Class D).
    - (b) Style: Plain or capped toe (no engraved design). Only round-toed, narrow-necked boots allowed with heel height not to exceed one and one-half inches.
    - (c) Athletic shoes without engraving or colored design. The top may not be higher than the ankle.
    - (d) Height: Optional for black leather shoes or boots.
  - 4. Short Pants:
    - (a) Color: Black.
    - (b) Style: Athletic shorts.
    - (c) Brand: Sportif USA #630170.
    - (d) Material: Polyester/Cotton/Spandex.
    - (e) Length: No modifications may be made to the length.
  - 5. Socks:
    - (a) Material: Optional
    - (b) Color: With low rise shoes or boots, solid black or navy blue socks may be worn. Other colors with high rise boots. Solid white mid-calf socks shall be worn with black athletic shoes.

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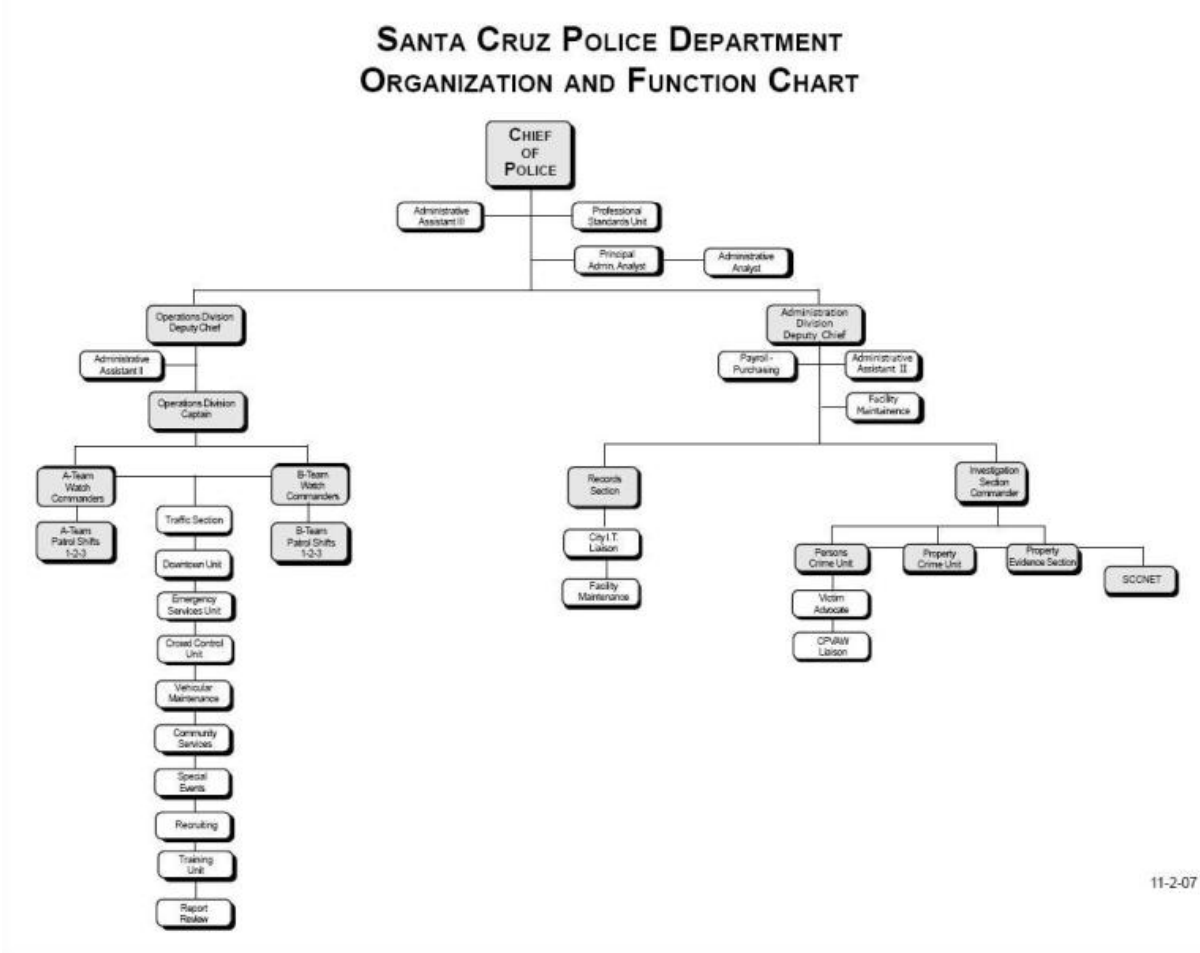
### *Personal Appearance*

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6. Tie:
  - (a) Material: Tight woven wool, cotton or synthetic material without print.
  - (b) Color: Black.
  - (c) Style: #61. Four in hand medium width (breakaway or ready knotted clip-on style).
  
7. Trousers:
  - (a) The specifications for the trousers are identical to the sworn members.
  
8. Turtleneck/Dickie:
  - (a) Material: Tight weave with half fold collar.
  - (b) Color: Black.
  - (c) Style: Long sleeved, short sleeved. Cuffs of undergarment shall not be exposed from shirt sleeve. Dickies are optional, providing they meet the above specifications.
  
9. Undershirts:
  - (a) Material: Various.
  - (b) Color: White/Black.
  - (c) Style: Crewneck.
  
10. SCPD Wool Baseball Cap:
  - (a) Material: Wool.
  - (b) Color: Navy Blue.
  - (c) Style: Fitted Wool.
  - (d) Insignia: Santa Cruz Police with "C.S.O." in embroidered white lettering centered above word "Police". All 1/2 inch lettering.
  
11. Dress Hat:
  - (a) Material: 16 oz. Serge or Elastique.
  - (b) Color: Navy Blue.
  - (c) Style: Police, round.
  - (d) Grommet: 1/4 inch metal, black.
  - (e) Vents: Closed, cloth (non-basket), with royal blue upper and lower border.
  - (f) Visor: Black patent leather, approximately 45 degree angle.
  - (g) Strap: Royal blue cord braid.
  - (h) Buttons: Regulation police "P" Buttons (silver).
  - (i) Badge: Department issued hat piece.

# Santa Cruz Police Department Policy Manual

## Organizational Chart



# Santa Cruz Police Department

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