CHIEF’S PREFACE
This Policy Manual identifies and establishes the operational orders and standards to provide guidance and direction to every member of the West Valley-Mission Community College District Police Department in discharging their duties. Further this Policy Manual is updated as necessary to incorporate the most contemporary Federal and State laws as well as law enforcement best practices tailored to an educational policing environment.
LAW ENFORCEMENT CODE OF ETHICS

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

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

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

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

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.
MISSION STATEMENT
# Table of Contents

**CHIEF’S PREFACE.** .......................................................... 1  
**LAW ENFORCEMENT CODE OF ETHICS.** ................................. 2  
Mission Statement. ................................................................... 3  
**Chapter 1 - Law Enforcement Role and Authority.** ...................... 8  
  100 - Law Enforcement Authority. ........................................... 9  
  102 - Chief Executive Officer. .............................................. 10  
  104 - Oath of Office. ......................................................... 11  
  106 - Policy Manual. ......................................................... 12  
  107 - Law Enforcement Code of Ethics. ................................. 19  
**Chapter 2 - Organization and Administration.** ......................... 20  
  200 - Organizational Structure and Responsibility. .................. 21  
  204 - Departmental Directive. .............................................. 24  
  206 - Emergency Operations Plan. ....................................... 25  
  208 - Training. ............................................................... 26  
  211 - Electronic Mail. ...................................................... 29  
  213 - Administrative Communications. ................................. 31  
  215 - Staffing Levels. ........................................................ 32  
  218 - Retiree Concealed Firearms. ....................................... 33  
**Chapter 3 - General Operations.** ......................................... 38  
  300 - Use of Force. .......................................................... 39  
  302 - Deadly Force Review. ............................................... 50  
  304 - Shooting Policy. ...................................................... 52  
  306 - Handcuffing and Restraints. ....................................... 55  
  308 - Control Devices and Techniques. ................................. 60  
  309 - Conducted Energy Device. ......................................... 65  
  310 - Officer-Involved Shootings and Deaths. ......................... 72  
  312 - Firearms. ............................................................. 90  
  314 - Vehicle Pursuits. .................................................... 101  
  316 - Officer Response to Calls. ....................................... 114  
  320 - Domestic Violence. .................................................. 117  
  322 - Search and Seizure. ................................................. 132  
  326 - Senior and Disability Victimization. ............................. 134  
  328 - Discriminatory Harassment. ....................................... 150  
  330 - Child Abuse. ........................................................ 156  
  332 - Missing Persons. ..................................................... 165  
  334 - Public Alerts. ........................................................ 171  
  336 - Victim and Witness Assistance. .................................. 179  
  338 - Hate Crimes. ........................................................ 183  
  340 - Standards of Conduct. ............................................. 194  

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342 - Department Technology Use. .................................. 201
344 - Report Preparation. ........................................... 205
345 - Report Writing Format. ....................................... 210
346 - Media Relations. ............................................... 212
348 - Subpoenas and Court Appearances. ......................... 215
354 - Handcuff Policy. .............................................. 218
360 - Death Investigation. .......................................... 220
364 - Private Persons Arrests. .................................... 223
366 - Anti-Reproductive Rights Crimes Reporting. ............. 225
372 - Mandatory Employer Notification. ............................ 227
378 - Public Safety Video Surveillance System. ................... 229
380 - Child and Dependent Adult Safety. ........................ 233
382 - Service Animals. ............................................. 237
386 - Off-Duty Law Enforcement Actions. ......................... 240
391 - Gun Violence Restraining Orders. ........................... 242

**Chapter 4 - Patrol Operations.** .................................. 247
400 - Patrol Function. ............................................... 248
402 - Bias-Based Policing. ......................................... 251
406 - Crime and Disaster Scene Integrity. ......................... 255
410 - Ride-Along Policy. ........................................... 257
418 - Mental Illness Commitments. ................................ 260
420 - Cite and Release Policy. ..................................... 266
422 - Foreign Diplomatic and Consular Representatives. ...... 270
424 - Rapid Response and Deployment. ............................ 274
428 - Immigration Violations. ..................................... 277
434 - Aircraft Accidents. ........................................... 282
436 - Field Training Officer Program. ............................. 286
438 - Obtaining Helicopter Assistance. ............................ 289
440 - Detentions And Photographing Detainees. ................... 290
450 - Portable Audio/Video Recorders. ............................ 296
458 - Foot Pursuits. ................................................ 304
464 - Homeless Persons. .......................................... 309
465 - Crisis Intervention Incidents. ............................... 312
467 - Public Recording of Law Enforcement Activity. .......... 317
468 - First Amendment Assemblies. ................................. 320
471 - Medical Aid and Response. .................................. 328
472 - Opiate Overdoes and Treatment. ............................. 334

**Chapter 5 - Traffic Operations.** ............................... 336
510 - Vehicle Towing and Release. ................................ 337
514 - Impaired Driving. ........................................... 341

**Chapter 6 - Investigation Operations.** ........................ 348
600 - Investigation and Prosecution. .............................. 349
602 - Sexual Assault Investigations. .............................. 356
610 - Sex Offender Registration. .................................. 362
612 - Operations Planning and Deconfliction. ................................................. 363
613 - Eyewitness Identification. ................................................................. 369

**Chapter 7 - Equipment.** ........................................................................... 373
700 - Department Owned and Personal Property. ........................................... 374
704 - Vehicle Maintenance. ........................................................................... 376
709 - Military Equipment. ............................................................................ 380

**Chapter 8 - Support Services.** ................................................................. 383
800 - Property and Evidence. ......................................................................... 384
802 - Records Section. .................................................................................. 393
806 - Records Maintenance and Release. ....................................................... 397
808 - Protected Information. ......................................................................... 407

**Chapter 10 - Personnel.** .......................................................................... 414
1000 - Recruitment and Selection. ................................................................. 415
1010 - Reporting of Employee Convictions. ................................................... 420
1012 - Drug- and Alcohol-Free Workplace. .................................................... 423
1016 - Communicable Diseases. .................................................................... 426
1018 - Smoking Policy. ................................................................................ 431
1020 - Personnel Complaints. ....................................................................... 432
1022 - Seat Belts. .......................................................................................... 447
1024 - Body Armor. ...................................................................................... 449
1026 - Personnel Records. ............................................................................ 452
1030 - Employee Commendations. ................................................................. 463
1034 - Meal Periods and Breaks. ................................................................... 464
1035 - Lactation Break Policy. ....................................................................... 465
1044 - Personal Appearance Standards. .......................................................... 466
1046 - Uniform Regulations. ......................................................................... 468
1050 - Nepotism and Conflicting Relationships. .............................................. 474
1052 - Department Badges. .......................................................................... 477
1058 - Employee Speech, Expression and Social Networking. ....................... 479
1061 - Anti-Retaliation. ................................................................................ 483

**Attachments.** ........................................................................................... 487
2016-01PG_WRAP_Booking Procedure.pdf ..................................................... 488
Statutes and Legal Requirements.pdf .............................................................. 489
Work Permit Application.pdf ......................................................................... 490
Hate Crime Checklist.pdf .............................................................................. 491
Policy 709_Approved Equipment Category List_7.21.22.pdf ............................. 492
WVMPD Narcan Guidelines.7.2023.pdf ............................................................ 493
EMS Form913_1.pdf .................................................................................... 494
SE Guidelines v4.pdf .................................................................................... 495
Tracking Sheet v2.pdf ................................................................................... 496
Commission on Peace Officer Standards and Training Hate Crimes Model Policy
2019.pdf ......................................................................................................... 497
2017_Retire Firearms Purchase and Agreement .pdf ....................................... 498
<table>
<thead>
<tr>
<th>File Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCCPC_Assoc_Report Format.pdf</td>
<td>499</td>
</tr>
<tr>
<td>Work Permit.pdf</td>
<td>500</td>
</tr>
<tr>
<td>Tracking Sheet.pdf</td>
<td>501</td>
</tr>
<tr>
<td>Domestic Violence Law Enforcement Protocol 2018.pdf</td>
<td>502</td>
</tr>
<tr>
<td>Santa Clara County AED Use Notification Form.pdf</td>
<td>503</td>
</tr>
</tbody>
</table>
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 § 830.32. (a), which specifies a member of a California Community College police department appointed pursuant to Education Code § 72330 (a), if the primary duty of the peace officer is the enforcement of the law on or near the campus of the community college and on or near other grounds or properties owned, operated, controlled, or administered by the community college or by the state acting on behalf of the community college. The authority of any such peace officer extends to any place in the State of California, for the purpose of performing their primary duty or when making an arrest pursuant to Penal Code § 836 as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Government Code § 8597 or §8598. This peace officer authority extends 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 that offense.

**100.2.1 JURISDICTION**

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 or fresh pursuit, while following up on crimes committed within the District or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the District should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

**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 (Penal Code § 832.4).

102.2 SECTION TITLE
Oath of Office

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

104.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

104.3 OATH OF OFFICE
All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

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

104.4 MAINTENANCE OF RECORDS
The oath of office shall be filed as prescribed by law (Government Code § 3105).
106.1 PURPOSE AND SCOPE
The manual of the West Valley-Mission Community College District Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this Department. All members are to conform to the provisions of this manual.

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

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

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

106.2.2 STAFF
Staff shall consist of the following:

- Chief of Police
- Police Lieutenant
- Police Sergeant
- *Manager, Community Services

The staff shall review all recommendations regarding proposed changes to the manual at staff meetings. * The Manager, Community Services, will review all recommendations within their purview.
106.2.3 OTHER PERSONNEL
All Department employees suggesting revision of the contents of the Policy Manual will do so in writing by completing the Policy & Procedure Development form and submitting it via the chain of command to the AdministrativeLieutenant who will consider the recommendation and forward it to the Chief of Police for further consideration.

106.3 AUTHORITY
The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

106.3.1 ACCEPTABLE ABBREVIATIONS
The following abbreviations are acceptable substitutions in the manual:

- Departmental Directives may be abbreviated as "DD"
- Operational Guidelines (Patrol, Investigations, Records, etc.) may be abbreviated as "OG"
- 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:

Agency Agreement - Refers to law enforcement service agreements by and between the West Valley-Mission Community College District and any other law enforcement agency.

Adult - Any person 18 years of age or older

Beat - A geographical area to which one or more officers are assigned for patrol purposes. Generally speaking a beat signifies a specific campus or other district property

CBA - Collective Bargaining Agreement

CHP - The California Highway Patrol

Chain of Command - The chain of command will be consistent with the organizational chart

Civillian - Any person who is not a sworn peace officer

CJIC - Criminal Justice Information Control

CFR - Code of Federal Regulations

CLETS - California Law Enforcement Telecommunications System
Policy Manual

**Command Officer** - Any sworn member of the department holding the rank of Administrative Lieutenant or higher

**Competent Authority** - A person of higher supervisory rank who is authorized to perform the designated/delegated function

**Community Services** - Refers to the functional area of the department responsible for public service, not requiring sworn personnel, under the direct supervision of the Manager, Community Services

**DA** - The Santa Clara County District Attorney's Office

**District** - The West Valley-Mission Community College District

**Department/WVMCCPD** - The West Valley-Mission Community College District Police Department

**DMV** - The Department of Motor Vehicles

**Employee/Personnel** - Any person employed by the Department

**FTO** - Any sworn member of the department who has been assigned as a Field Training Officer

**Investigator** - A sworn member of the department who has been assigned to investigations

**Juvenile** - Any person under the age of 18 years

**Manual** - The West Valley-Mission Community College District Police Department Policy Manual

**May** - Indicates a permissive, discretionary or conditional action

**Member** - Any person who is employed or appointed by the West Valley-Mission Community College District Police Department including sworn officers, reserve officers, non-sworn employees and volunteers

**MOU** - Memorandum of Understanding

**Non-sworn** - Those employees and volunteers who are not sworn peace officers

**Officer in Charge (OIC)** - Any non-supervisory sworn member of the department temporarily assigned to carry out limited duties of a supervisor

**Officer/Sworn** - Those employees, regardless of rank, who are sworn employees of the West Valley-Mission Community College District Police Department. Reserve police officers are included unless specifically exempted

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

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

**Parking and Traffic** - Refers to the functional area of the department responsible for parking and traffic (non-enforcement) under the supervision of the Parking and Traffic Watch Commander
Parking Office - Refers to the primary physical location for parking operations

Patrol - Refers to the functional area of the department responsible for uniformed law enforcement patrol and or members assigned to a designated span of time for duty purposes

P&P - Policy and Procedure

POST - The California Commission on Peace Officer Standards and Training

Rank - The job classification title held by an officer. The ranks in descending order are: Chief of Police, Administrative Lieutenant, Sergeant or Officer

Records - Refers to the functional area of the department responsible for maintaining records

Records Manager - Refers to an employee who has overall responsibility for the department's records

SCPD - Santa Clara Police Department

Shall or will - Indicates a mandatory action

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

SCCSO - Santa Clara County Sheriff's Office

USC - United States Code

106.3.3 DISTRIBUTION OF MANUAL

Copies of the Policy Manual shall be distributed to the following positions and areas within the department:

- Chief of Police
- Lieutenant
- Sergeant
- Parking & Traffic Watch Commander
- Patrol Offices
- Records Office
- Investigations Office

A copy of the Policy Manual may also be distributed to the Chancellor's Office and or the Vice-Chancellor of Human Resources upon request.

Specific areas of the Policy Manual which are deemed operationally sensitive may be excluded from any copies which are distributed to non-sworn personnel (internal or external) at the discretion of the Chief of Police.
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.

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

**Adult** - Any person 18 years of age or older.

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

**CHP** - The California Highway Patrol.


**District** - The District of West Valley-Mission Community College District.

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

**Department/WVMPD** - The West Valley-Mission Community College District Police Department.

**DMV** - The Department of Motor Vehicles.

**Employee** - Any person employed by the Department.

**Juvenile** - Any person under the age of 18 years.


**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the West Valley-Mission Community College District Police Department, including:

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

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the West Valley-Mission Community College District Police Department.

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

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

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

**Rank** - The title of the classification held by an officer.
Policy Manual

**Shall or will** - Indicates a mandatory action.

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

**Supervisor** - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

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

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

**USC** - United States Code.

106.4.1 **REVISIONS TO POLICIES**

All employees are responsible for keeping abreast of all Policy Manual revisions. All changes to the Policy Manual will be posted on the Department Intranet Home Page (Portal) under the title Recent Policy Manual Revisions. The Administrative Lieutenant will forward revisions to the Policy Manual as needed to all personnel via electronic mail. Each employee shall acknowledge receipt by return email, review the revisions and seek clarification as needed.

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

106.5 **ISSUING THE POLICY MANUAL**

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

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

106.6 **PERIODIC REVIEW OF THE POLICY MANUAL**

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

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

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

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

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

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

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

107.3 LAW ENFORCEMENT CODE OF ETHICS
AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

107.3.1 OBJECTION TO RELIGIOUS AFFIRMATION
Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the officer.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 DIVISIONS
The Chief of Police is responsible for administering and managing the West Valley-Mission Community College District Police Department in all matters of policy, operations and discipline. The Chief exercises all lawful powers of the office and issues such lawful orders as are necessary to assure the effective performance of the Department. There are two divisions in the Police Department as follows:

- Operations Division
- Operations Support Division

200.2.1 OPERATIONS DIVISION
The Patrol Division, commanded by the Lieutenant whose primary responsibility is to provide general management/supervision, direction, and control for the Patrol Division. The Patrol Division consists of sworn uniformed patrol and non-sworn parking and traffic personnel. The Lieutenant is also responsible to coordinate with the communications center (County Communications).

200.2.2 OPERATIONS SUPPORT DIVISION
The Patrol Support Division, commanded by the Administrative Lieutenant whose primary responsibility is to provide general management/supervision direction and control for that Division. The Patrol Support Division consists of Investigations, Property and Evidence, Records, and Training.

200.2.3 EMERGENCY PREPAREDNESS
The Emergency Preparedness operation is administered by the Chief of Police. The Department's Emergency Services Coordinator manages the program under command staff to provide emergency notifications, information and training to the colleges within the District.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences, the Chief of Police will designate the Lieutenant to serve as the acting Chief of Police. In absence of the Chief and Lieutenant, the Sergeant will assume command.

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Lieutenant
200.3.2 UNITY OF COMMAND
The principles of unity of command ensures efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Investigations Unit, Training Section, Field Training Section), any supervisor may temporarily direct any subordinate if an operational necessity exists.

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

200.4 LIEUTENANT RESPONSIBILITIES
The Lieutenant shall be subject to the direction of the Chief of Police. The Lieutenant has direct control over all employees under their command.

The Lieutenant should supervise the general and individual responsibilities of all employees and supervisory employees under their command. This includes employee conduct, work performance, attendance, and adherence to established policies, orders, standard operating procedures and District rules as dictated by a higher authority. The Lieutenant is responsible for the personnel under their command and the duties assigned by the Chief of Police.

200.5 SUPERVISORY RESPONSIBILITIES
Supervisory personnel shall be either sworn or non-sworn personnel. They are subject to the direction of a higher command. They have direct control over all employees under their direct supervision.

Supervisory personnel are assigned to both field and office duties. They will closely supervise the activities of their subordinates, making corrections where necessary and commending where appropriate. They will monitor employee conduct, work performance, attendance, and adherence to established policies and procedures, Departmental orders, standard operating procedures and District rules as directed by a higher authority. They should provide close supervision, leadership and training while on-duty.

An Officer-in-Charge (OIC) may be granted temporary supervisory authority at the direction of a Sergeant, the Lieutenant or Chief of Police.

200.6 GENERAL RESPONSIBILITIES OF EMPLOYEES
It shall be the duty and responsibility of each employee to actively fulfill the function of the Department and Division, unit or team to which they are assigned, and to perform any lawful duty assigned and/or ordered by a competent authority. Employees shall abide by the established
Organizational Structure and Responsibility

policies and procedures, Departmental Directives, standard operating procedures, District rules and direction of their supervisor.
Departmental Directive

204.1 PURPOSE AND SCOPE
Departmental Directives establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes topolicy 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. Once the directive has been incorporated into the manual as policy, previous policy will be rescinded.

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 12-01 signifies the first Departmental Directive for the year 2012.

204.2 RESPONSIBILITIES

(a) Departmental Directives are applicable to all members of the Department, whether salaried or not, who act for and on behalf of the Chief of Police.

(b) Departmental Directives shall be presumed known and familiar to the member on the member’s first working day after issuance, and shall conform to and abide by them.

(c) When a Departmental Directive is received, it shall be the responsibility of the member to properly update their hard-copy policy manual by incerting the Directive immediately behind the policy it addresses. If a member elects not to maintain a hard-copy manual, the member is still responsible to know and be familiar with all Departmental Directives.

(d) All Departmental Directives will be placed on the Department Shared Drive by Staff and in any hard-copy manual which is maintained by the Department for general use.

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.
Emergency Operations Plan

206.1 PURPOSE AND SCOPE
The District has prepared an Emergency Patrol Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees, volunteers, and other identified public and private resources and assigns specific responsibilities in the event that the Plan is activated (Government Code § 8610).

206.2 ACTIVATING THE EMERGENCY PLAN
The Emergency Patrol Plan can be activated on the order of the official(s) designated by the Plan.

206.3 LOCATION OF THE PLAN
The Emergency Patrol Plan is available in each police business office, and patrol room. All supervisors should maintain and familiarize themselves with the Emergency Patrol Plan. Watch Commanders should ensure that Department personnel are familiar with the roles police personnel will play when the plan is implemented.

206.4 UPDATING OF MANUALS
The Chief of Police or designee shall review the Emergency Patrol Plan at least once every two years to ensure that the Plan conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

206.5 TRAINING
All Department personnel are expected to comply with both State and Federal NIMS training requirements. Department personnel will complete the following training.

- All personnel - I.S.100.LEb, 200.b, 700.a, 800.b
- Supervisory personnel - ICS 300, 400
- Chief, AdministrativeLieutenant and Emergency Coordinator - I.S.701.a

Any new NIMS training requirements will be completed within one year of adoption or when the training becomes available.
Training

208.1 PURPOSE AND SCOPE
It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

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

208.3 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).

208.4 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.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

208.5 TRAINING PLAN
A training plan will be developed by the Training Coordinator and approved by Staff. It is the responsibility of the Training Coordinator to maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- State Mandated Training
- Critical Issues Training
- Assignment Specific Training

208.6 TRAINING NEEDS ASSESSMENT
The Training Section 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.
Training

208.7 TRAINING COMMITTEE
The Training Sergeant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Sergeant may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.
(b) Incidents involving a high risk of death, serious injury or civil liability.
(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Sergeant to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Sergeant. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

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

208.8 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee’s participation.
5. Emergency situations

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

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
Training

2. Document his/her absence in a memorandum to his/her supervisor.

3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

208.8.1 TRAINING SCHEDULES
Training opportunities are unique and often times require employees to work different days and or hours.

208.9 DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the West Valley-Mission Community College District Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Sergeant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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

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

208.10 TRAINING SERGEANT
The Chief of Police shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

208.10.1 TRAINING RESTRICTION
The Training Sergeant is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).
Electronic Mail

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

211.1.1 REFERENCES
West Valley Mission Community College District Board Policies (BP) and Administrative Procedures (AP).
- BP 3720, Information Technology Use
- AP 3720, Information Technology Use

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

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

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

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

Intentionally sending or receiving protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), shall not be transmitted through email except as allowed in Policy 808, § 808.5. Any violation may result in discipline and or criminal prosecution.

Email messages addressed to the entire department and or District are only to be used for official business related items that are of particular interest to all users and must be approved.
Electronic Mail

by a supervisor if the message is not directly related to a public safety announcement. Personal advertisements are not acceptable.

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

211.4 EMAIL RECORD MANAGEMENT

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

The Custodian of Records shall coordinate with the District's Information Systems Department to ensure that department email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.
Administrative Communications

213.1 PURPOSE AND SCOPE
Administrative communications of this Department are governed by the following policies.

213.2 DEPARTMENTAL DIRECTIVES
Departmental Directives are issued periodically by the Chief of Police to announce immediate changes to policy and procedures. Departmental Directives modify an existing policy or create a new policy as appropriate.

213.2.1 MEMORANDUMS
Memorandums may be issued periodically by command staff to provide direction, clarification or make an announcement. Memorandums are also used by the Chief of Police to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations, or other changes in status.

213.3 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.

213.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or the Administrative Lieutenant.
Staffing Levels

215.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper police officer and staff coverage and supervision is maintained. 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.

215.2 MINIMUM STAFFING LEVELS

Minimum police officer staffing levels require one patrol officer to be on-duty for each campus during the College District's primary school hours (Monday-Friday, 0630-2200 hours.). A police supervisor should be on-duty during school hours whenever possible. If a supervisor is unscheduled and or unavailable, the designated OIC or the on-duty senior officer on each watch has shift responsibility. Minimum police officer staffing levels require one patrol officer to be on-duty at all other times (Monday-Friday, 2200-0200 and Saturday-Sunday, 0630-0200 hours).

Parking and Traffic personnel should be on-duty during all primary school hours; however, staffing levels vary and there are no minimum staffing requirements for these positions.

215.2.1 SUPERVISION DEPLOYMENTS

The department does not have a supervisor on-duty for each and every shift. In cases where there is no on-duty supervisor, an on-call supervisor or officer-in-command is available for contact. In absence of a supervisor, an officer may be used as officer in command (OIC). With prior authorization from the Chief of Police or the AdministrativeLieutenant, and consistent with District policy, an officer may be assigned to work out-of-class as a supervisor for a limited period of time (e.g., training, extended vacations, unforeseen absences).
Retiree Concealed Firearms

218.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of West Valley-Mission Community College District Police Department identification cards under the Law Enforcement Officers’ Safety Act (LEOSA) and California law (18 USC § 926C; Penal Code § 25455).

218.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

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

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

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

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement
Retiree Concealed Firearms

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

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

218.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE
Any full-time sworn officer of this department who was authorized to, and did, carry a concealed firearm during the course and scope of his/her employment shall be issued an identification card with a Carrying Concealed Weapon endorsement, "CCW Approved," upon honorable retirement (Penal Code § 25455).

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.

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

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

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

218.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The West Valley-Mission Community College District Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):
Retiree Concealed Firearms

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

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

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

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

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

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

218.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

(a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer’s expense.

(b) Remain subject to all applicable department policies and federal, state and local laws.

(c) Not engage in conduct that compromises public safety.

(d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

218.6 DENIAL, SUSPENSION, OR REVOCATION OF A LEOSA IDENTIFICATION CARD
A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended, or
Retiree Concealed Firearms

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

218.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety (Penal Code § 25470).

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

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

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).

3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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

1. The decision of such hearing board shall be binding on the Department and the retiree.

2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped “No CCW Privilege.”

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

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

2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

3. The personal and written notification should be as follows:
   (a) The retiree’s CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

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

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

218.9 ATTACHMENTS
Chapter 3 - General Operations
Use of Force

300.1 PURPOSE AND SCOPE
This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

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

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

300.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

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

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

300.2.1 DUTY TO INTERCEDE
Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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

300.2.2 FAILURE TO INTERCEDE
An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

300.2.3 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 device (if authorized) described in Policy Manual §§ 306, 308 and 309 respectively.

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

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

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

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST
Any peace officer may use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or to overcome resistance. Retreat does not mean tactical repositioning or other de-escalation techniques (Penal Code § 835a).

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

(a) Whether there is a legal basis for the use of force.

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

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

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

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

(f) The effects of suspected drugs or alcohol.

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

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

(i) Proximity of weapons or dangerous improvised devices.

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

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

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

(m) Training and experience of the officer.

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

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

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

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

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

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

(t) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 RESTRICTIONS ON THE USE OF CAROTID CONTROL HOLD
Officers of this department are not authorized to use a carotid restraint hold. A carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person (Government Code § 7286.5).

300.3.5 USE OF FORCE TO SEIZE EVIDENCE
In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the West Valley-Mission Community College District Police Department for this specific purpose.

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

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

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

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

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

(a) Attempts to de-escalate a situation.

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

300.3.7 RESTRICTIONS ON THE USE OF A CHOKE HOLD
Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).
Use of Force

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

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

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

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

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

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

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

An “imminent” threat of death or serious bodily injury exists when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the officer or another person. An officer’s subjective fear of future harm alone is insufficient as an imminent threat. An imminent threat is one that from appearances is reasonably believed to require instant attention (Penal Code § 835a).
Use of Force

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES
Shots fired at or from a moving vehicle are rarely effective and may involve additional considerations and risks. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

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

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

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

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

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

ALL use of force incidents will be documented on the department Use of Force Report Form, in addition to the crime/incident report. The following are considered a Use of Force incident:

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

(g) The use of a firearm (pointing or discharge of a firearm).
(h) The individual subjected to the force was rendered unconscious.
(i) An individual was struck or kicked.
(j) An individual alleges unreasonable force was used or that any of the above has occurred.

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

(a) The application caused a visible injury.
(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
(c) The individual subjected to the force complained of injury or continuing pain.
(d) The individual indicates intent to pursue litigation.
(e) Any application of a TASER device or control device.
(f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
(g) The use of a firearm (pointing or discharge of a firearm).
(h) The individual subjected to the force was rendered unconscious.
(i) An individual was struck or kicked.
(j) An individual alleges unreasonable force was used or that any of the above has occurred.

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

300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Section Policy 802.3.2.

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

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

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

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

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

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

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

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

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

1. The content of the interview should not be summarized or included in any related criminal charges.

2. The fact that a recorded interview was conducted should be documented in a supplemental police report by the supervisor who conducted the interview.

3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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

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

(f) Complete a supplemental police report documenting all the actions taken by the supervisor including all interviews conducted and evidence collected.

(g) Review and approve all related reports.

(h) Determine if there is any indication that the subject may pursue civil litigation.
   1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

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

A supervisor who was physically involved in the use of force incident or who directed the force be used shall not conduct the force investigation. The force investigation shall be conducted by a superior command officer.

After the initial investigation, the Supervisor shall complete the following within seven days of the use of force incident.

Submit documentation of the incident to the Lieutenant. This includes all police reports, supplemental reports, BWC footage, CAD report, Radio traffic, photographs, and any other evidence or documents pertaining to the use of force incident.

300.7.1 WATCH COMMANDER RESPONSIBILITY
The Lieutenant shall conduct a command review of each use of force by any personnel within his/her command to ensure compliance with this policy. This command review shall documented on a department memorandum and routed to the Chief of Police.

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

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

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

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

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

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

300.9 USE OF FORCE ANALYSIS
At least annually, the Patrol Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.
(b) Training needs recommendations.
(c) Equipment needs recommendations.
(d) Policy revision recommendations.

300.10 SECTION TITLE

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

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

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

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

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

302.2 REVIEW BOARD
The West Valley-Mission Community College District Police Department is charged with the important responsibility of objectively evaluating the use of deadly force. It is the policy of this department to convene a Use of Deadly Force Review Board when the use of deadly force by an employee results in injury or death to a person.

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

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

302.2.1 COMPOSITION OF THE BOARD
The Use of Deadly Force Review Board shall be comprised of the following persons:

- Command representative
- Outside law enforcement representative or other Use of Force expert
- Training manager
- Peer officer (If requested by the officer(s) under review and approved by Command Staff)
- One addition person may be selected by the Chief of Police at his or her discretion

The command representative will serve as chairperson.

The Chief of Police will convene the Use of Deadly Force Review Board as necessary. It will be the responsibility of the command representative to coordinate review board member activities. The command representative will also ensure that all relevant reports, documents, and materials are available for consideration and review by the Board.

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

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303).

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

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

(a) The employee's actions were within department policy and procedures.

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

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

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

Once the board has reached its specific finding, and when approved by the Chief of Police, the Training Sergeant may convene a separate training committee to address training needs and to make recommendations for this department without specific reference to the facts of the incident considered by the board.
Shooting 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 believes would be an imminent threat of death or serious bodily injury.

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

(c) To stop a dangerous animal.
   1. Officers are authorized to use deadly force against an animal in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.
   2. In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, Taser, OC Spray, animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

(d) With the approval of a supervisor, or OIC in absence 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
Shooting Policy

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.

304.1.2 WARNING SHOTS

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

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 supervisor 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.

The following requirements are in addition to any Departmental notifications already outlined in this Section:

(a) If while off-duty, a member intentionally discharges a weapon in another jurisdiction, the member shall notify the appropriate law enforcement agency as soon as circumstances permit.
Shooting Policy

(b) If while off-duty, a member accidentally discharges a weapon in another jurisdiction and circumstances necessitate, the member shall notify the appropriate law enforcement agency as soon as circumstances permit.
Handcuffing and Restraints

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

306.2 POLICY
The West Valley-Mission Community College District Police Department authorizes the use of restraint devices in accordance with this policy, the Use of Force Policy, and department training. Restraint devices shall not be used to punish, to display authority, or as a show of force.

306.3 USE OF RESTRAINTS
Only members who have successfully completed West Valley-Mission Community College District Police Department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

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

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

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

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

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

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

306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS
Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

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

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

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

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

306.4.1 MEDICAL CONSIDERATIONS
Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of an injury or continuing pain, or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and should be
Handcuffing and Restraints

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

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

306.5 APPLICATION OF SPIT HOODS
Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucus) to others.

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

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

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

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

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

(a) Restrained suspects may be transported in a patrol unit. They should be seated in an upright position and secured by a seat belt. The long lead of the restraint should be placed outside the rear door and wrapped around the door pillar bringing it up through the passenger front door to prevent the lead from dragging on the ground. When the person cannot be transported in a seated position he/she should be taken by ambulance/paramedic unit.

(b) When taken by ambulance/paramedic unit, the restrained person shall be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright
Handcuffing and Restraints

position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.

(c) Officers shall inform the jail staff that a restraint device was used on the arrestee and how they were transported, prior to the completion of the booking process at the jail. The booking nurse has the authority to determine who will be accepted during the booking process or who requires additional medical evaluation and clearance prior to booking.

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

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

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

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

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

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

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

306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS
When applying leg restraints, the following guidelines should be followed:

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

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

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

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

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

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

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

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

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

(a) The factors that led to the decision to use restraints.
(b) Supervisor notification and approval of restraint use.
(c) The types of restraint used.
(d) The amount of time the person was restrained.
(e) How the person was transported and the position of the person during transport.
(f) Observations of the person’s behavior and any signs of physiological problems.
(g) Any known or suspected drug use or other medical problems.

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

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
(b) Response to complaints of pain by restrained persons.
(c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.
Control Devices and Techniques

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

308.2 POLICY
In order to control subjects who are violent or who demonstrate the intent to be violent, the West Valley-Mission Community College District Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

308.3 ISSUING, CARRYING AND USING CONTROL DEVICES
Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the department or approved by the Chief of Police or the authorized designee.

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

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

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

308.4 RESPONSIBILITIES

308.4.1 WATCH COMMANDER RESPONSIBILITIES
The Watch Commander may authorize the use of a control device by selected personnel who have successfully completed the required training.

308.4.2 RANGEMASTER RESPONSIBILITIES
The Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced. Whenever a control device requires repair or replacement beyond routine wear and tear, the Rangemaster will document the reason and forward the details through the chain of command.

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

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to District property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

308.5 BATON GUIDELINES
The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor. For the purpose of this section, a baton includes variable length straight batons, or variable length collapsible batons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

308.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject’s proximity to others.

(e) The location of the subject.

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

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

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

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

308.9.3 SAFETY PROCEDURES

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

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

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

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

308.10 TRAINING FOR CONTROL DEVICES
The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

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

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

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

308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
Conducted Energy Device

309.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of TASER devices.

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

309.3 ISSUANCE AND CARRYING TASER DEVICES
Only members who have successfully completed department-approved training may be issued and carry the TASER device.

TASER devices are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

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

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

Officers who carry the TASER device while in uniform shall carry it in a weak-side holster on the side opposite the duty weapon (Penal Code § 13660).

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

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

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

(d) Officers should not hold a firearm and the TASER device at the same time.

309.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the TASER device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

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

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

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer’s lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but
Conducted Energy Device

is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

309.4.1 FACTORS TO DETERMINE REASONABLENESS OF FORCE
The application of the TASER device is likely to cause intense, but momentary, pain. As such, officers should carefully consider and balance the totality of circumstances available prior to using the TASER device including, but not limited to, the following factors:

(a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).

(b) Officer/subject factors (i.e., age, size, relative strength, skill level, injury/exhaustion, number of officers vs. subjects).

(c) Influence of drugs/alcohol (mental capacity).

(d) Proximity of weapons.

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

(f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).

(g) Seriousness of the suspected offense or the reason for contact with the individual.

(h) Training and experience of the officer.

(i) Potential for injury to citizens, officers and suspects.

(j) Risk of escape.

(k) Other exigent circumstances.

309.5 USE OF THE TASER DEVICE
The TASER device has limitations and restrictions requiring consideration before its use. The TASER device should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

309.5.1 APPLICATION OF THE TASER DEVICE
The TASER device may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
Conducted Energy Device

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

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

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

309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles, physically frail persons, a person with a known heart condition.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

(g) Against a subject operating or riding any mode of transportation (e.g. vehicle, bus, bicycle, motorcycle, etc.), conveyance (e.g. escalator, skateboard, scooter, roller blades, etc.), or machinery capable of causing injury.

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

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

309.5.3 TARGETING CONSIDERATIONS

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

309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE
Officers should apply the TASER device for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications. Officers shall refrain from using the TASER device for more than a total of three (3) five-second cycles, unless the circumstances are such that a reasonable officer would conclude that each subsequent application of the device, analyzed separately, is warranted. Officers should generally not apply more than one TASER device at a time against a single subject.

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

(a) Whether the probes are making proper contact.
(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
(c) Whether verbal commands, other options or tactics may be more effective.

309.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall immediately notify a supervisor of all TASER device discharges. Expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

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

309.6 DOCUMENTATION

A discharge of the TASER device occurs when the probes are deployed or the TASER device is used in a drive stun manner. All TASER device discharges shall be documented in the related arrest/crime report, the department Use of Force Report form, and a notification will immediately be made to a supervisor in compliance with Policy § 300.4.1. Accidental discharges of a TASER device cartridge will also be documented on the department Use of Force Report Form and a crime/incident report. Pointing the device at a person, laser activation and arcing the device will
Conducted Energy Device

also be documented on the department Use of Force Report Form and a crime/incident report. Any report documenting the discharge of a TASER device cartridge will include the cartridge serial number and an explanation of the circumstances surrounding the discharge.

The onboard TASER device memory will be downloaded through the data port by a supervisor or properly trained Rangemaster and saved with the related arrest/crime report. Photographs of probe sites should be taken, the expended cartridge along with both probes and wire should be submitted by the officer collecting the cartridge into evidence for future reference. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.6.1 TASER DEVICE FORM
Items that shall be included in the department Use of Force Report Form are:

(a) The type and brand of TASER device and cartridge and cartridge serial number.
(b) Date, time and location of the incident.
(c) Whether any display, laser or arc deterred a subject and gained compliance.
(d) The number of TASER device activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
(e) The range at which the TASER device was used.
(f) The type of mode used (probe or drive-stun).
(g) Location of any probe impact.
(h) Location of contact in drive-stun mode.
(i) Description of where missed probes went.
(j) Whether medical care was provided to the subject.
(k) Whether the subject sustained any injuries.
(l) Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile the department Use of Force Report Form with recorded activations. TASER device information and statistics, with identifying information removed, should periodically be made available to the public.

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

(a) Identification of all personnel firing TASER devices
(b) Identification of all witnesses
(c) Medical care provided to the subject
**Conducted Energy Device**

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

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

### 309.7 MEDICAL TREATMENT

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

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

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.

(c) The person reasonably appears to be in need of medical attention.

(d) The TASER device probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the TASER device.

### 309.8 SUPERVISOR RESPONSIBILITIES

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

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

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

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

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

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

The Training Sergeant is responsible for insuring that all members who carry TASER devices have received the initial training and certification. All members who carry the TASER device will receive proficiency training at a minimum of two times a year. Periodic audits should be used for verification.

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

The Training Sergeant should ensure that all training includes:

(a) A review of this policy.
(b) A review of the Use of Force Policy.
(c) Performing weak-hand draws or cross-draws to reduce the possibility of unintentionally drawing and firing a firearm.
(d) Target area considerations, to include techniques or options to reduce the unintentional application of probes near the head, neck, chest and groin.
(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.
(f) De-escalation techniques.
(g) Restraint techniques that do not impair respiration following the application of the TASER device.
Officer-Involved Shootings and Deaths

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

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

310.2 POLICY
The policy of the West Valley-Mission Community College District Police Department is to ensure that officer-involved incidents are investigated in a thorough, fair and impartial manner. They will be investigated in a manner that is consistent with the Santa Clara County Officer-Involved Incident Guidelines. Investigations of Officer-Involved Incidents will be conducted to develop all available relevant information about the incident. They will be performed in a manner that provides for a thorough and credible investigation that is free from conflicts-of-interest.

Such investigations are designated "Incident Investigations", the goals of which are to determine:

(a) The identity of the person(s) responsible;
(b) The existence or non-existence of conduct constituting a criminal act; and
(c) If it is determined that a criminal act has been committed, then the following are to be determined:

1. Any legal or factual defenses to the crime;
2. The existence of any factors which might mitigate or aggravate punishment for the criminal conduct.

The investigations shall be performed in a manner consistent with the rules of evidence in a criminal proceeding. Any administrative or civil investigation shall be separate and distinctly different from the Incident Investigation. The investigation of each Incident will commence as promptly as practicable after the occurrence.

310.2.1 DEFINITIONS
For the purpose of these guidelines the following definitions are offered:

"Officer-Involved Incident"

An "Officer-Involved Incident" is any incident in which a peace officer or custodial officer (both herein referred to as "Officer"), acting under color of authority, is directly involved in the following:
Officer-Involved Shootings and Deaths

1. Any discharge of a firearm by an Officer which proximately causes the death of, or injury to another.

2. An intentional use of any other deadly or dangerous weapon by an Officer which proximately causes the death of, or injury likely to produce death to another.

3. An intentional act on the part of an Officer which proximately causes the death of, or injury likely to produce death to another.

4. Any death of a person while in custody, or under Officer control.

(a) Excluded from mandatory protocol investigations are post-booking deaths of prisoners, which occur in jails, hospitals or other facilities, while the prisoner is under the custody and care of a Law Enforcement Agency's (LEA) medical care provider for diagnosed diseases or conditions which have been known and monitored and/or treated by the LEA's medical care provider prior to death, but only when the deaths were medically expected and when custodial suicide, trauma, accident, or use of intoxicants was not involved.

"Peace Officer"

1. Local law enforcement officers defined by Penal Code, § 830.1 et seq. e.g., Municipal Police, Sheriff, D.A. Investigators, and Reserve Officers and Reserve Deputies defined by Penal Code §830.6.

"Primary Agency"

The agency, or agencies, with geographic jurisdiction over the incident.

"Employing Agency"

The agency which employs the Involved Officer.

"Officer-Involved"

1. The Officer whose act may be a "proximate cause" of the injury to another person; or

2. The Officer who may intend that his/her act is a "proximate cause" of the injury to another person.

"Proximate Cause"

A cause which, in a natural and continuous sequence, produces the injury, and without which the injury would not have occurred.

"Incident Investigator"

An investigator assigned to the Incident Investigative Team

"Incident Investigative Team"
Officer-Involved Shootings and Deaths

Incident Investigators assigned by the Primary Agency(cies) and the District Attorney's Office to conduct the Incident Investigation. Persons from an outside agency may also be part of the Incident Investigative Team upon mutual agreement of the Primary Agency and the District Attorney's Office and upon concurrence from the Case Management Team.

"Case Management Team"

The team responsible for managing the Officer Involved Incident and for the supervision of the investigators assigned to the Incident Investigative Team.

310.3 TYPES OF INVESTIGATIONS
Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

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

310.4 INVESTIGATIVE RESPONSIBILITY
The responsibility for conducting the Incident Investigation rests with the Incident Investigative Team. The Primary Agency has responsibility for the preservation and security of the scene(s), collection of evidence at the scene(s) and from the Involved Officer(s), including their equipment and/or vehicles, when appropriate.

(a) Initial officers at the scene will make all reasonable efforts to preserve and secure the scene, pending the arrival of the Incident Investigators.

(b) The Incident Investigative Team usually will conduct the investigation. However, they may seek investigative assistance from other agencies or by those agencies otherwise noted in this protocol.

(c) If investigative assistance is obtained from another agency, the Incident Investigative Team may maintain control of the investigation itself, or it may relinquish the primary responsibility for the investigation to the agency from which it obtained the assistance.

(d) The District Attorney Crime Lab or the crime scene unit of another jurisdiction may be called upon for assistance at the discretion of the Incident Investigative Team.

(e) In Incidents where a vehicular collision or other vehicular movement is involved, another agency may be called upon for investigatory assistance in that phase of the Incident Investigation.

Until agreement regarding investigative responsibility is reached among the various Involved Agencies in a specific case, immediate investigative responsibility is determined in this order:

(a) Incident Investigative Team.

(b) The agency whose on-duty employee, acting apparently for a law enforcement purpose, was an Involved Officer.
Officer-Involved Shootings and Deaths

(c) The agency within whose jurisdiction the decedent's body was first discovered after infliction of the injury.

If an on-duty officer is involved in an Incident within the geographical jurisdiction of another agency, but was acting in the performance of his/her duties in connection with a criminal matter originating in his/her own jurisdiction, the Primary Agency may defer its investigative authority to the officer's own agency, which will then investigate the Incident as part of the Incident Investigative Team.

310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the West Valley-Mission Community College District Police Department would control the investigation if the suspect's crime occurred in WestValley-MissionC.C.District.

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

310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
When an officer from this department is involved, the criminal investigation will be handled according to the Santa Clara County Officer Involved Incident Guidelines.

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

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

This policy is intended as a guideline for Incident Investigations (as defined on page 1) of Officer-Involved Incidents. This policy is not intended to address issues concerning the administrative or civil investigation of the incident.

1. The administrative or civil investigation is the function of the employing agency and will include administrative and non-criminal matters that are not within the scope of the Incident Investigation.

2. At the onset of the investigation of an incident, there must be an immediate and clearly defined distinction between the Incident Investigation and the administrative and civil Investigation.

3. The agency employing the Involved Officer, whether it is the Primary Agency or not, has an interest in the outcome of the Incident Investigation and may utilize the results of that investigation for its own non-criminal purposes (e.g., determination of possible violations of departmental regulation, establishing suitability for duty, training for use in civil suits or administrative claims brought by or against the agency).
4. See section 310.6 regarding administrative investigations.

310.4.4 MANAGEMENT OF AN OFFICER INVOLVED INCIDENT
A Command staff member from the Primary Agency and the District Attorney's Office Bureau of Investigation, along with the assigned Deputy District Attorney, shall comprise the membership of the "Case Management Team (CMT)" for an Officer-Involved Incident as defined in this protocol. Their function in this regard is to co-manage the incident and to ensure the following:

1. The provisions of this protocol are followed
2. The CMT members are co-equal in their authority
3. The CMT works together to manage the criminal investigation to ensure the best investigative outcome

In the event the Primary Agency or the District Attorney’s Office defers their responsibilities to another law enforcement agency (e.g. the ‘Employing Agency’), the outside agency command staff member shall also replace the respective member on the Case Management Team.

Generally, the officials assigned to the Case Management Team should hold the approximate rank of lieutenant, or if holding lesser rank, should be given lieutenant-level authority by their agencies for their participation on this Team.

These individuals should be experienced and knowledgeable in Officer-Involved Incident investigations; should have supervisory authority over investigators from their respective agencies; and should have sufficient knowledge and authority to make a variety of decisions pertaining to Officer-Involved Incidents.

Officials assigned to the Case Management Team work together as a team and the members are co-equal. While their primary function is to work with each other to manage and coordinate the Criminal Investigation, occasionally one or more members may need to perform some Criminal Investigative functions.

Should a conflict occur amongst members of the Case Management Team that cannot be resolved and such conflict would have a material and adverse effect on the investigative outcome of the Officer-Involved Incident, the primary agency's Chief or Sheriff, or designee, shall be consulted along with the District Attorney or his/her designee.

310.5 INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved incident.
Officer-Involved Shootings and Deaths

310.5.1 SCENE PROCEDURES AND SECURITY PENDING ARRIVAL OF INVESTIGATORS

Upon arrival at the scene of an officer-involved incident, the first uninvolved WVMPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.
(b) Take reasonable steps to provide emergency medical attention for injured individuals per their level of training.
(c) Request fire and EMS response as needed.
(d) Request additional resources from the Department or other agencies.
(e) Coordinate a perimeter or pursuit of suspects.
(f) Check for injured persons and evacuate as needed.
(g) Brief the supervisor upon arrival.

Emergency life saving measures have the first priority. If a person is transported to a medical facility with injuries, an officer should accompany that person in the same vehicle for the following purposes:

1. Preserve, safeguard and maintain the chain of evidence;
2. Obtain witness statements and document any spontaneous statements made to medical personnel;
3. Maintain custody if the person is under arrest, ensuring the preservation of his/her clothing and possessions; and
4. Provide information to and from the medical personnel. (If airlifted, immediate response to the hospital is required).

Pending arrival of the Incident Investigative Team and the Case Management Team, the scene(s) should be secured immediately, with a perimeter established for each scene a sufficient distance away to safeguard evidence.

1. Access should be limited to only those who must enter for official reasons;
2. When not needed for life saving efforts, entry by fire and ambulance crew members should also be limited to those whose presence is necessary; and
3. A log, started as soon as possible, should be kept of the identities of all persons entering the scene, the time of their entry and exit, and the reason for the entry of each.

Whenever possible, all witnesses and Involved Officers should be separated as soon as practical after the incident to ensure that statements and recollections of events are independent.

1. In cases of a death in a jail or detention facility, all persons, including prisoners, who may have witnessed events leading up to the death shall be identified and separated pending interviews by the Incident Investigative Team.
Officer-Involved Shootings and Deaths

The Primary Agency has the responsibility for securing and processing the crime scene, including the Involved Officers, however shall do so under the direction of the Incident Investigative Team.

1. Evidence collection, witness coordination and general crime scene processing will be under the authority and follow the procedures of the Primary Agency as authorized by the Incident Investigative Team. The Primary Agency may defer its investigative authority on the Incident Investigative Team to the Employing Agency.

2. Physical evidence at the scene which is in danger of being contaminated, destroyed or removed must be promptly and effectively observed, recorded and then protected for subsequent collection.

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

310.5.2 WATCH COMMANDER RESPONSIBILITIES
Upon learning of an officer-involved incident, the Watch Commander shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or appropriate authority from an outside agency.

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

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

- Chief of Police
- Investigation Division Commander
- OfficerInvolvedIncidentProtocol rollout team
- Outside agency investigator (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer’s agency representative (if requested)
- AdministrativeLieutenant

310.5.4 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved WVMPD supervisor should ensure completion of the duties as outlined above, plus:

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


**Officer-Involved Shootings and Deaths**

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

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

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

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

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

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

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

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

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

310.5.5 INTERVIEWS WITH PEACE OFFICERS

Interviews with officers should be conducted by the investigator(s) from the Incident Investigative Team. The Incident Investigative Team will determine who will participate in the interview of any Involved Officer(s) or witnesses and where the interview(s) will take place.

1. Prior to the interview of an Involved Officer, investigators from the Incident Investigative Team should review all available audio/video recordings from police vehicle in-car cameras, body-worn cameras by responding officers and/or an Involved Officer, independent third parties, and independent sources.

2. Interviews of an Involved Officer and witnesses to an Incident should be recorded.

3. Whenever practical, interviews should be video recorded.

4. The assigned Deputy District Attorney and Employing Agency representative, if not physically present during the interview, will be permitted to monitor the interview or have immediate access to any recording made of the interview.
Officer-Involved Shootings and Deaths

The initial interview of an Involved Officer should occur before the officer has reviewed any audio/video recordings of the incident. An Involved Officer will have an opportunity to review recordings after the initial statement has been taken. Investigators should be mindful that audio/video recordings have limitations and may depict events differently than the events recalled by an Involved Officer. If the investigator shows any audio/video recordings to an Involved Officer after the initial interview, the investigator has the discretion to admonish an Involved Officer about the limitations of audio/visual recordings.

The following is an example of an admonishment that would be appropriate in a case involving video evidence:

In this case, there is video evidence that you will have an opportunity to view after you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two-dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.

Investigators may ask an Involved Officer to view the incident scene during a "walk-through." The investigator will determine the timing of the "walk-through," however, it should not occur prior to the initial statement of an Involved Officer. Only one Involved Officer at a time will be permitted to do a "walk-through" of the scene.

If, prior to or during the interview, it is deemed that an Involved Officer may be charged with a criminal offense, and the interview becomes custodial, the Involved Officer shall be immediately informed of his/her constitutional rights pursuant to the Miranda decision.

To ensure the voluntariness of an interview with an Involved Officer, that has not reached the level of a custodial interrogation, the investigator may wish to advise him/her as follows:

1. The Involved Officer is not in custody and is free to leave the interview.
2. The Involved Officer is not obligated to answer incriminating questions, and answers that are given may be used against him/her in court.

The Involved Officer may consult with a representative prior to being questioned by the Incident Investigators. Some or all of these considerations may be applicable:

1. The consultation should not be allowed to materially impede the investigation.
Officer-Involved Shootings and Deaths

2. The representative should be permitted to consult with only one Involved Officer at a time.

3. To ensure the integrity of each interview, it is important that statements about the incident not be relayed through such representatives; rather, the Involved Officer and other witness officers should answer the questions directly even if they need to consult with their representative prior to answering.

The following shall be considered for the involved officer:

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

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

(c) A licensed psychotherapist may be provided by the Department to each involved WVMPD officer. A licensed psychotherapist may also be provided to any other affected WVMPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.

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

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

Each involved WVMPD officer shall be given reasonable paid administrative leave following an officer-involved incident. It shall be the responsibility of the Sergeant to make schedule adjustments to accommodate such leave.

310.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

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

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

310.6 ROLE OF THE DISTRICT ATTORNEY

During an Incident Investigation the District Attorney Office will:

1. Participate in the management of the incident along with assigned command from the Primary Agency.

2. Assist and advise the Incident Investigative Team on the various legal issues that may arise, including search and seizure, Miranda, identification procedures, arrests, elements of crimes, immunity, and voluntariness.

3. Assist in the writing of search warrants and arrest warrants.

4. Monitor the Incident investigation.
5. Ultimately determine if criminal liability exists.

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

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

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

(a) WVMPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of WVMPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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

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

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

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

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

Nothing in this section shall be construed to deprive an involved WVMPD officer of the right to consult with legal counsel prior to completing any such criminal report.
Officer-Involved Shootings and Deaths

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

310.7.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an officer-involved incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

310.7.3 INVESTIGATIVE PERSONNEL
Once notified of an officer-involved incident, it shall be the responsibility of the designated Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

310.8 ADMINISTRATIVE INVESTIGATION
In addition to all other investigations associated with an officer-involved incident, this department will conduct an internal administrative investigation of WVMPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Chief of Police and will be considered a confidential officer personnel file.
Officer-Involved Shootings and Deaths

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

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

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
   1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
   1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.
   2. The officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).
   3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
   4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger or Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
   5. The assigned investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
   6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
   7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
Officer-Involved Shootings and Deaths

310.9 CIVIL LIABILITY RESPONSE
A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

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

310.10 INTOXICANT TESTING
If the Incident Investigators determine that an Involved Officer’s state of sobriety is relevant to the Incident Investigation, they shall proceed as they would with any civilian person in a similar situation. Their options are to:

1. Obtain a blood sample for alcohol and/or drug testing, and/or a urine sample for alcohol and/or drug testing, with the Involved Officer’s valid consent; or
2. Obtain a blood sample for alcohol and/or drug testing and/or a urine sample for alcohol and/or drug testing, incidental to the arrest of that person for a crime; or
3. Obtain a blood sample for alcohol and/or drug testing and/or a urine sample for alcohol and/or drug testing, pursuant to a search warrant.

In the event appropriate physiological samples are not obtained from an Involved Officer as part of the Incident Investigation, the Employing Agency (whether or not it is also the Primary Agency) may wish to obtain such sample(s) for administrative employment-related purposes. The options are to:

1. Obtain the sample(s) with the employee officer’s valid consent; or
2. Obtain the sample(s) by ordering the employee officer to provide such sample(s) based upon the employer-employee relationship.

Departments may establish administrative policies regarding intoxicant testing of any employee involved in an incident.

1. If the Employing Agency asks for a physiological fluid sample for administrative purposes after the 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. The Employing Agency’s efforts to obtain a sample should not interfere with the Incident Investigation.

An employee officer may volunteer to provide a physiological fluid sample for intoxicant testing even if the Incident Investigators and Employing Agency have not ordered one. Similarly, a person from whom the Incident Investigators or the Employing Agency has taken a sample may wish to have a second sample taken for independent testing. Such requests should normally be accommodated, with the understanding that the employee officer will bear any expense for sample collection and testing.
Officer-Involved Shootings and Deaths

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

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

310.12 NEWS MEDIA RELATIONS
A representative of the Incident Investigative Team is in the best position to comment about the facts of the case and the progress of the investigation. When multiple agencies are involved or have knowledge of an Incident, the following information release guidelines should be followed:

1. The PIO or designee will be the individual to be the sole contact with the news media to manage the release of information and to minimize interruptions to the Incident Investigative Team. If this is not feasible, a particular job assignment (e.g., Watch Commander) should be designated.

2. Any release of information to the news media should be reviewed by the Case Management Team prior to such release.

3. If the Incident Investigative Team or the Case Management Team determine that the release of a specific piece of information would materially jeopardize the investigation, they shall notify those agencies possessing that knowledge of the hazards of releasing it.

4. Agencies and individuals that are not well informed and intimately involved with the investigation's results and progress should not make statements to the press. As in all other instances, care must be taken to insure that intentionally misleading, erroneous or false statements are not made.

5. 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 the accused to receive a fair trial.

Other agencies may also be contacted by the news media for information about the Incident, including:

The Employing Agency

1. If the Employing Agency is not also the Primary Agency, it should coordinate any information release with the Case Management Team and limit its comments to the following areas:

   (a) The employer-employee relationship, however, the names of the Involved Officer(s) will not be released until 24 hours after the incident to allow time for appropriate notifications to be made.
Officer-Involved Shootings and Deaths

(b) Information which has been cleared for release by the Case Management Team.

The District Attorney

1. The District Attorney will not disseminate any of the following information while the case is under investigation or review:
   
   (a) That an uncharged individual is "under investigation."
   (b) An Involved Officer’s statement, confession or refusal to give a statement.
   (c) The subject of any gag order.
   (d) The prior criminal history of any Involved party, unless it is part of the criminal pleading or crime under investigation.
   (e) The result of any examinations.
   (f) The pendency of a search warrant.
   (g) Any statement that has a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

2. In cases where a criminal complaint is filed, the judicial record, such as a probable cause declaration, or preliminary hearing is open to the public. Additionally, the District Attorney may disseminate the following:

   (a) Name of defendant
   (b) Area of residence
   (c) Occupation
   (d) Physical description
   (e) Age.
   (f) Sex
   (g) Time, date and location of arrest
   (h) Factual circumstances of the crime
   (i) Amount of bail
   (j) Location held
   (k) All charges including warrants
   (l) Parole or probation holds
   (m) Schedule and explanation of the judicial process
   (n) Penalty range.

The Coroner’s Office
Officer-Involved Shootings and Deaths

Information obtained from the Incident Investigators or from the Involved Agencies will not be released by the Coroner's Office without prior clearance from those agencies. 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 and, if applicable, only after receiving clearance to do so from the District Attorney's Office. The Coroner's Office will not release any information to the media where there is a pending criminal prosecution.

310.13 ACCESS TO REPORTS AND EVIDENCE

Material created or collected by the police department and the Incident Investigative Team investigators, as well as by any other assisting agencies, will be made available in a timely manner to those agencies which have a "need to know" and which are legally authorized to receive the information. The material may include:

1. Reports written and collected
2. Physical evidence obtained
3. Photographs and diagrams
4. Recordings

The agencies with an interest in the Officer-Involved Incident Investigation may include:

1. Investigating agencies
2. The employer of any Involved Officer
3. The District Attorney
4. The Crime Laboratory
5. The Coroner's Office

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

310.14 FINAL ACTION

The Officer-Involved Incident Investigation should be completed and all reports submitted to the Office of the District Attorney within 90 days of the Incident, absent unusual circumstances.

At the conclusion of the investigation, the Office of the District Attorney will review and analyze all the evidence to determine whether the officer acted lawfully.

The crime charging standards are the same for civilians and peace officers. The District Attorney’s policy regarding crime charging is as follows:

"The prosecutor should charge only if the following four basic requirements are satisfied:
Officer-Involved Shootings and Deaths

1. The prosecutor, based on a complete investigation and a thorough consideration of all pertinent facts readily available, is satisfied that the evidence proves that the accused is guilty of the crime to be charged;

2. There is legally sufficient, admissible evidence of a corpus delicti;

3. There is legally sufficient, admissible evidence of the accused's identity as the perpetrator of the crime charged; and

4. The prosecutor has considered the probability of conviction by an objective fact finder and has determined that the admissible evidence is of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after hearing all the evidence available to the prosecutor at the time of charging and after considering the most plausible and reasonably foreseeable defenses."

If no charges are filed, the District Attorney will issue a closing report summarizing the results of the investigation and analyzing the evidence. This report will address the question of whether or not there is proof beyond a reasonable doubt that an officer, deputy, or any other person committed a crime. It is not the purpose of the District Attorney's investigation or report to determine if any officer or deputy violated police policy or procedure, or committed any act that would be subject to civil sanctions. The District Attorney's Office will make every effort to issue a closing report containing its findings and conclusion within 90 days of the receipt of the completed investigative package. This report shall be sent to the Involved police agencies, the decedent's family and then released to the public.

310.15 TRAINING

All affected agencies are strongly encouraged to provide training to their members regarding these guidelines, including:

1. The responsibilities of the Incident Investigators and first responders to the scene of an Officer-Involved Incident.

2. The investigative process of an Officer-Involved Incident, including the specific process relative to the actual officer(s) involved.

3. The psychological effect which may be experienced by the Involved Officer and/or officers who were involved in the incident.

The employing agencies are encouraged to provide some form of critical incident stress debriefing to their affected employees.
Firearms

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

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

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

312.2 POLICY
The West Valley-Mission Community College District Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS
Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

312.3.1 HANDGUNS
The authorized Department-issued handgun is the Glock 22 (.40 cal) or Glock 17 (9 mm). Police officers who elect not to carry the issued handgun may elect to carry one of the handguns listed below. The following additional handguns are approved for on-duty use:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glock</td>
<td>19</td>
<td>9mm</td>
</tr>
<tr>
<td>Glock</td>
<td>23</td>
<td>.40 cal</td>
</tr>
<tr>
<td>Glock</td>
<td>30</td>
<td>.45 cal</td>
</tr>
<tr>
<td>Glock</td>
<td>41</td>
<td>.45 cal</td>
</tr>
</tbody>
</table>

Members may carry a Department issued handgun or a personally owned handgun that is on the list above. Members desiring to carry a personally owned handgun that is not on the list of approved handguns must receive written approval from the Chief of Police. Officers must
Firearms

successfully pass department qualifications and have personally owned handguns inspected by the department Rangemaster prior to carrying on duty.

The list of authorized secondary handguns as identified in 312.3.5 and authorized off-duty firearms as identified in 312.3.6, shall be maintained by the Rangemaster and readily available to command staff upon request.

Unless in an undercover operation, an officer's handgun will be carried in a holster. While in uniform, only one (1) visible handgun may be carried, and will be carried on the duty belt in a holster specifically designed for that weapon.

312.3.2 SHOTGUNS

The authorized Department-issued shotgun is the Remington 870. The following additional shotguns are approved for on-duty use:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mossberg (Only for less lethal munitions)</td>
<td>590A1</td>
<td>12 gauge</td>
</tr>
</tbody>
</table>

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

312.3.3 PATROL RIFLES

The authorized department-issued patrol rifles are the following:

<table>
<thead>
<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colt</td>
<td>AR 15</td>
<td>.223</td>
</tr>
<tr>
<td>Bushmaster</td>
<td>XM 15</td>
<td>.223</td>
</tr>
</tbody>
</table>

Members may carry a Department issued patrol rifle or a personally owned patrol rifle that is on the list above. Members desiring to carry a personally owned patrol rifle that is not on the list of approved patrol rifles must receive written approval from the Chief of Police. Officers must successfully pass department qualifications and have personally owned patrol rifles inspected by the department Rangemaster prior to carrying on duty.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
Firearms

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

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle. See policy 312.5.4 for storage of firearms in vehicles other than patrol vehicles.

312.3.4 PERSONALLY OWNED DUTY FIREARMS
Members may carry a Department issued duty firearm or a personally owned duty firearm that is on the list of approved handguns, shotguns or patrol rifles. Members desiring to carry a personally owned duty firearm that is not on the list of approved firearms (section 312.3.1, 312.3.2, 312.3.3), must receive written approval from the Chief of Police prior to carrying the firearm. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order.

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

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

(d) No officer may carry a single action only pistol unless the officer has successfully completed the following; (1) completed a department approved single action transition course, (2) successfully pass department qualifications with the single action pistol, and (3) been approved by a Rangemaster to carry a single action pistol.

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

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

(a) All officers may carry a semi-automatic pistol or revolver in .22, .25, .32, .380, .38, .357, .40, .45, or 9 mm caliber as a backup weapon. The handgun shall be in good working order and inspected and approved by a Rangemaster prior to carrying the weapon on duty.

(b) All secondary weapon barrels must be at least 1.75 inches in length.

(c) No officer may carry a single action only pistol unless the officer has successfully completed training outlined in section 312.3.4 (d).

(d) Only one secondary handgun may be carried at a time.

(e) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.
Firearms

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

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

(h) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

(i) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(j) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

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

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

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

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

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

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

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

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

(h) Members shall only carry department-authorized ammunition.
Firearms

(i) When armed, officers shall carry their badges and West Valley-Mission Community College District Police Department identification cards under circumstances requiring possession of such identification.

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

Members carrying personally owned authorized firearms of a caliber differing from department-issued firearms (9mm, .40 cal, .45 cal) shall be responsible for obtaining fresh duty ammunition in accordance with the above, at their own expense.

312.4 EQUIPMENT
Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

312.4.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

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

Any repairs or modifications to the member’s personally owned firearm shall be done at his/her expense and must be approved by the Rangemaster and the Chief of Police if the firearm is being modified from factory specifications.

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

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

312.4.4 OPTICS OR LASER SIGHTS
Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster and approved by the Chief of Police. This includes the use of Red Dot Sights (RDS). Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Department members wishing to use RDS systems on their on-duty or off-duty weapons must successfully complete a department approved RDS transition training. The department member must successfully pass qualifications with the RDS system prior to carrying the weapon on-duty or off-duty.

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

312.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.
(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded, using clearing barrels. When necessary, shotguns and rifles may be loaded and unloaded in the field outside of the vehicle (e.g., after deployment).
(e) Members shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the custody processing area including the interview room, or the jail or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location.
(f) Members who are using Department interview room(s) to interrogate an arrestee/detainee, shall secure their firearm in locked storage prior to the interrogation.
(g) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm, except with approval of a supervisor.
(h) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If
the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

312.5.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done at the cleaning barrel or if necessary, while standing outside of the patrol vehicle (e.g., after deployment). All firearms shall be pointed in a safe direction or into clearing barrels.

Personally owned firearms may be safely stored in lockers or another approved location at the end of the shift. Department-owned firearms shall be stored in the appropriate equipment storage room and or safe. Handguns may remain loaded if they are secured in an appropriate holster or gun case. Shotguns and rifles shall be unloaded in a safe manner and then stored in the appropriate equipment storage room and or safe.

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

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

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

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

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

312.6  FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on-duty are required to successfully complete 3 of the 4 training sessions offered quarterly with their duty firearms. In addition to the required quarterly training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least twice a year. Training and qualifications must be on an approved range course.

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

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

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

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

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

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

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

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

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

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

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

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

Stray or abandoned injured animals that may be moved or taken to an available veterinarian should not be euthanized. With supervisor approval, abandoned injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made. Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed (Penal Code § 597.1).

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

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

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by members of this department to verify proper operation. The Rangemaster has the authority to deem any department-issued or personally owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm and it will not be returned to service until inspected by the Rangemaster.
Firearms

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

The Rangemaster shall complete and submit to the Training Sergeant documentation of the training courses provided. Documentation shall include the qualifications of each instructor who provides the training, a description of the training provided and, on a form that has been approved by the Department, a list of each member who completes the training. The Rangemaster should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Sergeant.

312.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

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

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

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

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

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

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

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

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

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

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

(a) The officer shall carry his/her West Valley-Mission Community College District Police Department identification card whenever carrying such firearm.

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

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

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

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

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

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

314.1.1 DEFINITIONS

**Blocking** - A low-speed tactic where one or more authorized police department emergency vehicles intentionally restrict the movement of a suspect vehicle, with the goal of containment or preventing a pursuit. Blocking is not boxing in or a roadblock.

**Boxing-in** - A tactic designed to stop a suspect’s moving vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

**Pursuit Intervention** - An attempt to stop the suspect’s ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT (known as Pursuit Intervention Technique or Precision Immobilization Technique), ramming, or roadblock procedures.

**Pursuit Intervention Technique (PIT)** - A low-speed tactic intentionally applied to cause the suspect vehicle to spin out and terminate the pursuit.

**Ramming** - The deliberate act of impacting a suspect’s vehicle with another vehicle to functionally damage or otherwise force the suspect’s vehicle to stop.

**Roadblocks** - A tactic designed to stop a suspect’s vehicle by intentionally placing an emergency vehicle or other immovable object in the path of the suspect’s vehicle.

**Tire deflation device** - A device that extends across the roadway designed to puncture the tires of the pursued vehicle, sometimes referred to as spike strips.

**Terminate** - To discontinue a pursuit or stop chasing fleeing vehicles.

**Trail** - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

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

314.2 POLICY
It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.
Vehicle Pursuits

314.3 OFFICER RESPONSIBILITIES
Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

314.3.1 WHEN NOT TO INITIATE A PURSUIT
Officers shall not engage in high speed pursuits involving violations of the law which are classified as infractions or misdemeanors with the exception of persons suspected of brandishing a firearm.

Officers shall not engage in high speed pursuits on any campus within this jurisdiction unless the suspect(s) present a serious and immediate threat of injury or death.

314.3.2 WHEN TO INITIATE A PURSUIT
Officers are authorized to initiate a pursuit when the officer reasonably believes that a suspect, who has been given appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that should be considered in deciding whether to initiate a pursuit include:

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.
(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.
(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.
(d) The pursuing officers familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.
(e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.
(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.
(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.
(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.
(i) Suspect and officer vehicle speeds.
Vehicle Pursuits

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

314.3.3 WHEN TO TERMINATE A PURSUIT

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

The factors listed in this policy on when to initiate a pursuit will apply equally to the decision to terminate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves, and the public when electing to continue a pursuit.

In addition to the factors that govern when to initiate a pursuit, other factors should be considered in deciding whether to terminate a pursuit, including:

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) The pursued vehicle’s location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

314.3.4 SPEED LIMITS

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.
Vehicle Pursuits

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

314.4 PURSUIT UNITS
When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

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

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

314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

314.4.3 PRIMARY UNIT RESPONSIBILITIES
The initial pursuing unit will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless the officer is unable to remain reasonably close to the suspect's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspects without unreasonable danger to any person.

The primary unit should notify the dispatcher commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including but not limited to:

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.
(b) The description of the suspect's vehicle including license plate number, if known.
(c) The reason for the pursuit.
(d) Known or suspected weapons, threats of force, violence, injuries, hostages, or other unusual hazards.
(e) The suspected number of occupants and identity or description.
(f) The weather, road, and traffic conditions.
(g) The need for any additional resources or equipment.
(h) The identity of other law enforcement agencies involved in the pursuit.
Vehicle Pursuits

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

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

(a) The officer in the secondary unit should immediately notify the dispatcher of entry into the pursuit as soon as reasonably practicable.

(b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(d) Identifying the need for additional resources or equipment as appropriate.

(e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

314.4.5 PURSUIT DRIVING
The decision to use specific driving tactics requires the same assessment of the factors the officer considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:
   1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
   2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:
   1. Requesting assistance from available air support.
   2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
   3. Request other units to observe exits available to the suspects.
Vehicle Pursuits

(d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

314.4.6 PURSUIT TRAILING
In the event the initiating unit from this agency either relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspects and reporting the incident.

314.4.7 AIR SUPPORT ASSISTANCE
When available, air support assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, the unit should assume control over the pursuit. The primary and secondary ground units, or involved supervisor, will maintain operational control but should consider whether the participation of air support warrants the continued close proximity and/or involvement of ground units in the pursuit.

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards, or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact of the pursued vehicle and the air support unit determines that it is unsafe to continue the pursuit, the air support unit should recommend terminating the pursuit.

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

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

314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES
Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

(a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.
Vehicle Pursuits

(c) Exercising management and control of the pursuit even if not engaged in it.
(d) Ensuring that no more than the required number of units are involved in the pursuit under the guidelines set forth in this policy.
(e) Directing that the pursuit be terminated if, in the supervisor’s judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.
(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.
(g) Ensuring that the proper radio channel is being used.
(h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.
(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.
(j) Controlling and managing West Valley-Mission Community College District Police Department units when a pursuit enters another jurisdiction.
(k) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

314.5.1 WATCH COMMANDER RESPONSIBILITIES
Upon becoming aware that a pursuit has been initiated, the Watch Commander should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. Once notified, the Watch Commander has the final responsibility for the coordination, control, and termination of a vehicle pursuit and shall be in overall command.

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

314.5.2 SUPERVISORY RESPONSIBILITY (OUTSIDE AGENCY)
Nothing in this policy is intended to imply or impose responsibility on an outside agency supervisor to provide direction or oversight to officers from this Department who are engaged in a pursuit. However, when a supervisor from this agency is not available, officers from this Department who are engaged in a pursuit, are expected to follow directions from an outside agency supervisor who has taken an active role in the pursuit (including the determination to terminate the pursuit).

314.6 COUNTY COMMUNICATIONS
If the pursuit is confined within the District limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies and units.

314.6.1 COUNTY COMMUNICATIONS RESPONSIBILITIES
Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:
Vehicle Pursuits

(a) Clearing the radio channel of non-emergency traffic.
(b) Coordinating pursuit communications of the involved units and personnel.
(c) Broadcasting pursuit updates as well as other pertinent information as necessary.
(d) Ensuring that a field supervisor is notified of the pursuit.
(e) Notifying and coordinating with other involved or affected agencies as practicable.
(f) Notify the Watch Commander as soon as practicable.
(g) Assigning an incident number and logging all pursuit activities.

314.6.2 LOSS OF PURSUED VEHICLE
When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

314.7 INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY
Officers will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the West Valley-Mission Community College District Police Department is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved officers may proceed to the termination point of the pursuit to assist in the investigation. The officer or supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific.

314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION
The agency that initiates a pursuit is responsible for conducting the pursuit. Units from this department should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor when possible. The exception to this is when a single unit from the initiating agency is in pursuit. Under this circumstance, an officer may join the pursuit until sufficient units from the initiating agency join the pursuit or until additional information is provided allowing withdrawal of the pursuit. The officer shall notify a supervisor as soon as practical when they join a pursuit initiated by an outside agency.
Vehicle Pursuits

When a request is made for this department to assist or take over a pursuit that has entered the jurisdiction of West Valley-Mission Community College District Police Department, the officer and/or supervisor should consider:

(a) The public’s safety within this jurisdiction.
(b) The safety of the pursuing officers.
(c) Whether the circumstances are serious enough to continue the pursuit.
(d) Whether there is adequate staffing to continue the pursuit.
(e) The ability to maintain the pursuit.

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

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

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

314.7.3 ADDITIONAL CONSIDERATIONS

When a request is made for this Department to assist or take over a pursuit from another agency, the supervisor (or officer in absence of a supervisor) shall ensure that the reason for the pursuit conforms to this policy.

314.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

Whenever practicable, an officer shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards to the public arising from the use of each tactic, the officers, and persons in or on the pursued vehicle to determine which, if any, intervention tactic may be reasonable.

314.8.1 USE OF FIREARMS

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle (see the Use of Force Policy).
Vehicle Pursuits

314.8.2 INTERVENTION STANDARDS

Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public, or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and subject to the policies guiding such use. Officers should consider these facts and requirements prior to deciding how, when, where, and if an intervention tactic should be employed.

(a) Blocking should only be used after giving consideration to the following:

1. The technique should only be used by officers who have received training in the technique.
2. The need to immediately stop the suspect vehicle or prevent it from leaving reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will contain or prevent the pursuit.

(b) The PIT should only be used after giving consideration to the following:

1. The technique should only be used by officers who have received training in the technique, including speed restrictions.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.
5. The PIT should not be used when the pursued vehicle is a motorcycle, moped or similar type vehicle; vehicles with a high center of gravity such as a raised pickup truck; any vehicle known to be carrying hazardous material; a passenger bus transporting passengers; trucks or similar types of vehicles with people occupying the bed area except in extraordinary circumstances.

(c) Ramming a fleeing vehicle should only be done after giving consideration to the following:

1. Supervisory approval should be obtained before using the technique.
2. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
3. It reasonably appears the technique will terminate or prevent the pursuit.
4. Ramming may be used only under circumstances when deadly force would be authorized.
5. Ramming may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.
6. Consideration should be given to the types of vehicles involved (i.e. using a police vehicle to collide with a large commercial truck or a motorcycle).
Vehicle Pursuits

(d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:

1. The technique should only be used by officers who have received training in the technique.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.

(e) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle or similar type vehicle; a vehicle transporting hazardous materials; a truck or similar types of vehicles with people occupying the bed area; or a passenger bus transporting passengers, except in extraordinary circumstances.

6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

(f) Roadblocks should only be used after considering the following:

1. Roadblocks should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.

5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

314.8.3 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force,
Vehicle Pursuits

which reasonably appears necessary under the circumstances, to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing officer should coordinate efforts to apprehend the suspects following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans for setting up perimeters or for containing and capturing the suspects.

314.9 REPORTING REQUIREMENTS

All appropriate reports should be completed to comply with applicable laws, policies, and procedures.

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

(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Sergeant for review.

(c) After first obtaining the available information, the involved pursuit Supervisor, or on-duty field supervisor shall promptly complete a pursuit memorandum. This pursuit memorandum shall briefly summarize the pursuit and be submitted through the chain of command to the Chief of Police or the authorized designee. Each command officer within the chain of command will review the pursuit memorandum and determine whether procedures and policies were adhered to.

(d) This pursuit memorandum should include, at a minimum:

1. Date and time of pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved units and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Any use of force that occurred during the vehicle pursuit.
   (a) Any use of force by a member should be documented in the appropriate report (See the Use of Force Policy).
8. Any injuries and/or medical treatment.
9. Any property or equipment damage.
10. Name of supervisor at scene or who handled the incident.
11. Supporting information to include 911 calls, copies of radio traffic, body worn camera footage, and any other pertinent information.
Vehicle Pursuits

(e) After receiving copies of reports, logs, and other pertinent information, the Chief of Police or the authorized designee should conduct or assign the completion of a post-pursuit review.

(f) In all cases where an officer attempts to stop a violator and the violator flees or fails to yield and the officer makes no attempt to keep up with or pursue the violator, a "Non-Pursuit Incident" form shall be completed by the officer and submitted to the Sergeant within 24 hours of the non-pursuit. The "Non-Pursuit Incident" form will be submitted through the chain of command to assist in keeping records of these instances where violators flee but are not pursued out of concern for public safety. A form CHP 187A is not required under these circumstances.

Annually, the Chief of Police should direct a documented review and analysis of department vehicle pursuit reports to minimally include policy suitability, policy compliance, and training or equipment needs.

314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING
The Training Sergeant shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, and no less than annual training addressing:

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).

314.9.2 POLICY REVIEW
Officers of this department shall certify in writing that they have received, read, and understand this policy initially, upon any amendments, and whenever training on this policy is provided. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member’s training file.

314.10 APPLICATION OF VEHICLE PURSUIT POLICY
This policy is expressly written and adopted pursuant to the provisions of Vehicle Code § 17004.7, with additional input from the POST Vehicle Pursuit Guidelines.
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, including at minimum a steady forward facing red light, and shall sound the siren as reasonably necessary pursuant to Vehicle Code § 21055.

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

Officers should only respond Code-3 when so dispatched or when circumstances reasonably indicate an emergency response is required. 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 other persons. In any event, where a situation has stabilized and emergency response is not required, the requesting officer shall notify CountyCommunications as soon as reasonably possible.

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 information received and or the type of call necessitates additional units, or the Watch Commander, the field supervisor, or the OIC in absence of a 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 CountyCommunications. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, CountyCommunications shall
be notified and the Watch Commander or OIC will make a determination as to whether one or more officers driving Code-3 is appropriate.

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

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify County Communications. 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 COMMUNICATIONS RESPONSIBILITIES
A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Watch Commander or a field supervisor (If available), prior to assigning units Code-3. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance
(b) Immediately notify the OIC in absence of a supervisor
(c) Confirm the location from which the unit is responding
(d) Notify and coordinate allied emergency services (e.g., fire and ambulance, SCCSO, SCPD)
(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

316.7 SUPERVISORY RESPONSIBILITIES
Upon being notified that a Code-3 response has been initiated, the Watch Commander, the field supervisor or OIC, 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
Officer Response to Calls

(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

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

320.1 PURPOSE AND SCOPE
The purpose of this policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. The policy specifically addresses the commitment of this department to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

320.1.1 DEFINITIONS
Definitions related to this policy include:

Court order - All forms of orders related to domestic violence that have been issued by a court of this state or another, whether civil or criminal, regardless of whether service has been made.

Santa Clara County Domestic Violence Protocol For Law Enforcement - This protocol is the approved/adopted response procedures for all Santa Clara County Law Enforcement agencies.

320.1.2 REFERENCES
Officers are expected to be familiar with and utilize the Santa Clara County Domestic Violence Protocol For Law Enforcement in conjunction with this policy.

320.2 POLICY
The West Valley-Mission Community College District Police Department’s response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the policy of this department to facilitate victims’ and offenders’ access to appropriate civil remedies and community resources whenever feasible.

320.3 OFFICER SAFETY
The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

320.3.1 FELONY ARRESTS
In accordance with state law, an arrest shall 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:
Domestic Violence

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.

(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).

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

1. Whether the suspect has a prior history of arrests or citations involving domestic violence.
2. Whether the suspect is violating a Stay Away Order issued by a criminal court.
3. Whether the suspect has previously violated, or is currently violating, a valid temporary restraining order.
4. Whether the suspect has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
5. Statements from the victim that the suspect has a history of physical abuse toward the victim.
6. Statements from the victim expressing fear of retaliation or further violence should the suspect be released.
Domestic Violence

(b) Officers shall not cite and release for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1)
2. Penal Code § 273.5
3. Penal Code § 273.6 if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party.
5. Other offenses specified in Penal Code § 1270.1, such as serious or violent felonies.

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.

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
Domestic Violence

- 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 JURISDICTION AND COURTESY REPORTS

Officers arriving at a domestic violence scene should conduct a thorough preliminary investigation. If the incident occurred outside the primary jurisdiction of this department, the agency of jurisdiction should be contacted to determine which agency will...

320.5 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.
Domestic Violence

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim’s personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Investigations in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.

320.5.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:
Domestic Violence

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim’s contact information to the jail staff to enable notification of the victim upon the suspect’s release from jail.

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

320.5.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:
   1. Voluntary separation of the parties.
   2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

320.5.3 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.

320.5.4 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.
Domestic Violence

(b) Inform the victim of how to 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)).

320.5.5 EMERGENCY PROTECTIVE ORDERS

(a) Family Code § 6241 mandates the Superior Court to provide a judge, commissioner, or referee to hear applications and issue Emergency Protective Orders based on criteria outlined in Family Code § 6250(c). A judicial officer may issue an Emergency Protective Order whenever a law enforcement officer asserts reasonable grounds that:

1. A person is in immediate and present danger of domestic violence based upon the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought.

2. A child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.

3. A child is in immediate and present danger of being abducted by a parent or relative, based on a reasonable belief that a person has intent to abduct a child or flee with the child from the jurisdiction or based on an allegation of a reasonable threat to abduct the child or flee with the child from the jurisdiction.

4. An elder or dependent adult is in immediate and present danger of abuse as defined in Welfare and Institutions Code § 15610.07 based on an allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought, except that no emergency protective order shall be issued based solely on an allegation of financial abuse.

(b) Under Penal Code § 646.91, a peace officer may also obtain an Emergency Protective Order when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

1. Any such Emergency Protective Order shall be reduced to writing, signed by the officer and include all of the information required by Penal Code § 646.91(c).

2. Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance.

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.
Domestic Violence

(c) Emergency Protective Orders may be obtained by telephone to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from:

1. Physically or verbally contacting the victim or disturbing his/her peace.
2. Remaining or returning to the victim's residence, regardless of who holds legal title to, or leases the residence.
3. Continuing a specified behavior as described in the order.

(d) Officers investigating the scene of current or recent situations of domestic violence should remain cognizant of the potential for continued and escalated violence. An Emergency Protective Order should be sought if there is reason to believe, based on factual evidence such as a recent history of violence that the victim may still be in danger.

(e) Officers should consider requesting an EPO if any of the following conditions exist:

1. The victim requests an EPO.
2. The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim.
3. The investigating officer or victim believes that the suspect may be able to make bail and the potential for further violence exists.

320.5.6 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.

320.6 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim’s behavior and actions may be affected.
(b) Provide the victim with the department’s domestic violence information handout, even if the incident may not rise to the level of a crime.
(c) Alert the victim to any available victim advocates, shelters and community resources.
(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.
(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.
(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
Domestic Violence

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

An officer shall advise an individual protected by a Canadian domestic violence protection order of available local victim services (Family Code § 6452).

320.6.1 RECORDING INJURIES AND STATEMENTS
All visible injuries should be photographed regardless of severity, and all victims shall receive proper medical care prior to being photographed, if needed or desired. If feasible, officers may make a video recording of the injuries and victim statements.

Victims whose injuries are not visible at the time of the incident should be advised to contact the Investigations in the event the injuries later become visible. An investigator may be assigned to ensure the injuries are photographed during the course of preparing the case for court.

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

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

320.7.1 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 West Valley-Mission Community College District Police Department Domestic Violence Information Card.

320.7.2 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
Domestic Violence

(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 Domestic Violence Information Card which shall include, but is not limited to, the following information:

1. The names and locations of rape victim counseling centers within the county, including those centers specified in Penal Code § 13837, and their 24-hour counseling service telephone numbers.
2. A simple statement on the proper procedures for a victim to follow after a sexual assault.
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.
Domestic Violence

(i) The card should also provide information relating to the rights and duties of tenants and landlords regarding lock changes, evictions and related matters that may assist victims with housing and safety concerns (Code of Civil Procedure § 1161.3, Civil Code § 1941.5 and Civil Code § 1941.6).

320.7.3 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.

320.8 FOREIGN COURT ORDERS
Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

320.8.1 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 Manager to maintain and report this information as required.
Domestic Violence

320.9 VERIFICATION OF COURT ORDERS
Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
   
   1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.
   
   1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

320.9.1 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
Domestic Violence

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)).

320.10 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

320.10.1 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or
misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any
decision to not arrest an adult when there is probable cause to do so requires
supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a
misdemeanor domestic violence offense if the officer makes the arrest as soon
as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise
the victim of his/her right to make a private person’s arrest. The advisement should
be made out of the presence of the suspect and shall include advising the victim how
to safely execute the arrest. Officers shall not dissuade victims from making a lawful
private person’s arrest. Officers should refer to the provisions in the Private Persons
Arrests Policy for options regarding the disposition of private person’s arrests (Penal
Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code §
853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée,
person of a previous dating or engagement relationship, mother/father of the
offender’s child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of
violence have occurred or the suspect has gone to the workplace or residence
of the protected party
Domestic Violence

4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.

(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer’s presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

320.10.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person’s parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide the person with a record of
Domestic Violence

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

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

320.10.4 REPORTS AND RECORDS
(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

320.10.5 RECORD-KEEPING AND DATA COLLECTION
This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.10.6 DECLARATION IN SUPPORT OF BAIL INCREASE
Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee’s appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).
Search and Seizure

322.1 PURPOSE AND SCOPE
Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This policy provides general guidelines for West Valley-Mission Community College District Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to respect the fundamental privacy rights of individuals. Members of this Department will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Department will comply with relevant federal and state law governing the seizure of persons and property.

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

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

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

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

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

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this Department is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.
Search and Seizure

322.4 SEARCH PROTOCOL
Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Members of this Department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

1. Another officer or a supervisor should witness the search.

2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

322.5 DOCUMENTATION
Officers are responsible to document any search and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

• Reason for the search

• Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys)

• What, if any, injuries or damage occurred

• All steps taken to secure property

• The results of the search, including a description of any property or contraband seized

• If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

Supervisors shall review reports to ensure the reports are accurate, that actions are properly documented and that current legal requirements and Department policy have been met.
Senior and Disability Victimization

326.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for West Valley-Mission Community College District Police Department members as required by law (Penal Code § 368.6).

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

326.1.1 DEFINITIONS
Definitions related to this policy include:

Abuse of an elder (age 65 or older) or dependent adult - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

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

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult’s care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

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

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

(d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

(e) Child abuse of children with disabilities

(f) Violation of relevant protective orders

(g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them

(h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

326.1.2 REFERENCES
Elder and Dependent Adult Abuse Protocol - For Santa Clara County Law Enforcement (The current protocol is located in the "County Protocols" file on the department's shared drive. The protocol contains a variety of important information including but not limited to: Patrol Officer Response, pages 20-44, Protective Orders, page 53, Resources and Services, page 58, Telephone Directory, page 82, and Web Resources, page 97.

326.2 POLICY
The West Valley-Mission Community College District Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

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

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

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

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

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

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:
   1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
   2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
   3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
Senior and Disability Victimization

4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

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

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

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

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).
Senior and Disability Victimization

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

(g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

326.5 MANDATORY NOTIFICATION

Members of the West Valley-Mission Community College District Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a
Senior and Disability Victimization

written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

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

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(g) The District Attorney’s office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The Investigations supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney’s Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

Notification is not required for a person who was merely present when a person self-administered a prescribed aid-in-dying drug or a person prepared an aid-in-dying drug so long as the person did not assist the individual in ingesting the aid-in-dying drug (Health and Safety Code § 443.14; Health and Safety Code § 443.18).

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

326.5.1 NOTIFICATION PROCEDURE
Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.
(b) The name and age of the elder or dependent adult.
(c) The present location of the elder or dependent adult.
(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.
(e) The nature and extent of the condition of the elder or dependent adult.
(f) The date of incident.
(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

326.6 PROTECTIVE CUSTODY
Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

326.6.1 EMERGENCY PROTECTIVE ORDERS
In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective
Senior and Disability Victimization

order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

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

(a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

326.7 INTERVIEWS

326.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

326.7.2 DETAINING VICTIMS FOR INTERVIEWS
An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
   1. A reasonable belief that medical issues of the adult need to be addressed immediately.
   2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

326.7.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS
An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754)
Senior and Disability Victimization

prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

326.8 MEDICAL EXAMINATIONS
When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult’s transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

326.9 DRUG-ENDANGERED VICTIMS
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

326.9.1 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

(a) Document the environmental, medical, social, and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations supervisor so an interagency response can begin.

326.9.2 SUPERVISOR RESPONSIBILITIES
The Investigations supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers, and local prosecutors, to develop community specific procedures for responding to situations where there are elder or dependent adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations supervisor that he/she has responded to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where evidence indicates that an elder or dependent adult abuse victim lives.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the adult.
326.10 TRAINING
The Department should provide training on best practices in elder and dependent adult abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting interviews.
(c) Availability of therapy services for adults and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.
(f) Availability of victim advocates or other support.

326.10.1 MANDATORY TRAINING
The Training Sergeant shall ensure that appropriate personnel receive the required training, including:

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).
(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:
   (a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).
   (b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

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

326.11 RECORDS BUREAU RESPONSIBILITIES
The Records Section is responsible for:

(a) Providing a copy of the elder or dependent adult abuse report to the APS, ombudsman, or other agency as applicable within two working days or as required by law (Welfare and Institutions Code § 15630; Welfare and Institutions Code § 15640(c)).
(b) Retaining the original elder or dependent adult abuse report with the initial case file.
326.12 JURISDICTION
The West Valley-Mission Community College District Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

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

326.13 RELEVANT STATUTES
Penal Code § 288 (a) and Penal Code § 288 (b)(2)

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

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

Penal Code § 368 (c)

A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

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

Welfare and Institutions Code § 15610.05

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

Welfare and Institutions Code § 15610.30

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:
Senior and Disability Victimization

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

3. False imprisonment, as defined in Section 236 of the Penal Code.

4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safety.

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

3. Failure to protect from health and safety hazards.

4. Failure to prevent malnutrition or dehydration.

5. Substantial inability or failure of an elder or dependent adult to manage personal finances.
Senior and Disability Victimization

6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

Welfare and Institutions Code § 15610.63

"Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:
   1. Sexual battery, as defined in Section 243.4 of the Penal Code.
   2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.
   3. Rape in concert, as described in Section 264.1 of the Penal Code.
   4. Incest, as defined in Section 285 of the Penal Code.
   5. Sodomy, as defined in Section 286 of the Penal Code.
   6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
   7. Sexual penetration, as defined in Section 289 of the Penal Code.
   8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:
   1. For punishment.
   2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
   3. For any purpose not authorized by the physician and surgeon.

326.14 CHIEF OF POLICE RESPONSIBILITIES

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

(a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

(b) Developing and including department protocols in this policy, including but not limited to the following:

1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).

2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:

   (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

   (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.

   (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.

   (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.

3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

(d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

(e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.
Senior and Disability Victimization

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.

(h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

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

(a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency’s exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

(b) Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.
Discriminatory Harassment

328.1 PURPOSE AND SCOPE
The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

328.2 POLICY
The West Valley-Mission Community College District Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

328.3 DEFINITIONS
Definitions related to this policy include:

328.3.1 DISCRIMINATION
The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member’s work quality or output, that the member report to the job site on time, that the member comply with District or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

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

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

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member’s immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Associate Vice Chancellor Human Resources, or the Vice Chancellor.

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

retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
(c) Ensuring that their subordinates understand their responsibilities under this policy.
(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
(e) Making a timely determination regarding the substance of any allegation based upon all available facts.
(f) Notifying the Chief of Police or the AssociateViceChancellorHumanResources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

328.4.2 SUPERVISOR’S ROLE
Supervisors and managers shall be aware of the following:

(a) Behavior of supervisors and managers should represent the values of the Department and professional standards.
(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling members, or issuing discipline, in a manner that is consistent with established procedures.

328.4.3 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the AssociateViceChancellorHumanResources, the ViceChancellor, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

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

any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

328.5.1 SUPERVISOR RESOLUTION
Members who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing the member’s concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION
If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, harassed, or retaliated against because of their protected status, are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the AssociateViceChancellorHumanResources, or the ViceChancellor.

328.5.3 ALTERNATIVE COMPLAINT PROCESS
No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

328.6 DOCUMENTATION OF COMPLAINTS
All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

(a) Approved by the Chief of Police, the ViceChancellor, or the AssociateViceChancellorHumanResources, depending on the ranks of the involved parties.
Discriminatory Harassment

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

328.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

328.7.1 STATE-REQUIRED TRAINING
The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: https://calcivilrights.ca.gov (Government Code § 12950; 2 CCR 11023).

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

328.8 WORKING CONDITIONS
The Administration Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other District employees who are similarly tasked (2 CCR 11034).
Discriminatory Harassment

328.9 REQUIRED POSTERS
The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).
Child Abuse

330.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when West Valley-Mission Community College District Police Department members are required to notify the county Child Protective Services (CPS) of suspected child abuse.

330.1.1 DEFINITIONS
Definitions related to this policy include:

**Child** - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child’s care or any other act that would mandate notification to a social service agency or law enforcement (Penal Code § 11165.9; Penal Code § 11166).

330.2 POLICY
The West Valley-Mission Community College District Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

330.3 MANDATORY NOTIFICATION
The child protection agency shall be notified when (Penal Code § 11166):

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

The District Attorney’s office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. Notification of the District Attorney is not required for reports only involving neglect by a person, who has the care or custody of a child, to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred (Penal Code § 11166).

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).
**Child Abuse**

For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Penal Code § 11166):

(a) Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

(b) A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

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 CONTACTING SUSPECTED CHILD ABUSE VICTIMS

An officer should not involuntarily detain a juvenile suspected of being a victim of abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless any of the following apply:

(a) Exigent circumstances exist. For example:
   1. A reasonable belief that medical issues need to be addressed immediately.
   2. It is reasonably believed that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

(b) A court order or warrant has been issued.

In all circumstances in which a suspected child abuse victim is contacted, it will be incumbent upon the investigating officer to articulate in the related reports the overall basis for the contact and what, if any, exigent circumstances exist.

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

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

(a) Conduct interviews in child appropriate interview facilities.
(b) Be familiar with forensic interview techniques specific to child abuse investigations.
(c) Present all cases of alleged child abuse to the prosecutor for review.
(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

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

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
(c) Any relevant statements the child may have made and to whom he/she made the statements.
(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
(f) Whether the child victim was transported for medical treatment or a medical examination.
(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
Child Abuse

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.5.1 EXTRA JURISDICTIONAL REPORTS
If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

330.6 PROTECTIVE CUSTODY
Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
Child Abuse

3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW
An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

330.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS
Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained...
Child Abuse

in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
   1. A reasonable belief that medical issues of the child need to be addressed immediately.
   2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
   3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

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

330.8 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child’s transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES
The Investigations supervisor should:
Child Abuse

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

330.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Penal Code 841.5; Penal Code § 11167.5).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)
Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California’s CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

330.10.3 CACI HEARING OFFICER
The Investigations supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person’s name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party.
330.10.4  CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports
(b) Statements by investigators
(c) Statements from representatives of the District Attorney’s Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party’s name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person’s name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

330.10.5  CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

330.11  TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
Child Abuse

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.
Missing Persons

332.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

332.1.1 DEFINITIONS
At risk - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

Missing person - Any person who is reported missing to law enforcement when the person’s location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

Missing person networks - Databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETS), Missing Person System (MPS) and the Unidentified Persons System (UPS).

332.2 POLICY
The West Valley-Mission Community College District Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The West Valley-Mission Community College District Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211). The West Valley-Mission Community College District Police Department will accept all missing persons calls and initiate a preliminary investigation regardless of jurisdiction. The department will contact the appropriate local agency to cross-report and coordinate the investigation as necessary.

332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS
The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
Missing Persons

- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

332.4 ACCEPTANCE OF REPORTS

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

332.5 INITIAL INVESTIGATION

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:
   1. Immediately, when the missing person is at risk.
   2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:
   1. A photograph and a fingerprint card of the missing person, if available.
Missing Persons

2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

3. Any documents that may assist in the investigation, such as court orders regarding custody.

4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person’s location through his/her telecommunications carrier.

(i) Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

332.6 REPORT PROCEDURES AND ROUTING

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

332.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.

   1. The reports should be promptly sent to the Records Section.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s
Missing Persons

residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s intended or possible destination, if known.

(d) Forward a copy of the report to the Investigations.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

332.7 INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.
   1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
   2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child’s student file, along with contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Medical Examiner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
Missing Persons

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

332.8 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Manager shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person’s school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General’s Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

332.8.1 UNIDENTIFIED PERSONS
Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person’s description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

332.9 CASE CLOSURE
The appropriate supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a community member (student, faculty, staff) of West Valley-Mission C.C. District or this department is the lead agency, the case should be kept...
Missing Persons

under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

332.10 TRAINING
Subject to available resources, the Training Sergeant should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
   1. Assessments and interviews
   2. Use of current resources, such as Mobile Audio Video (MAV)
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.
Public Alerts

334.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

334.2 POLICY
Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system’s individual criteria.

334.2.1 AMBER ALERT DEFINITIONS
Abduction - Any child under the age of 18-years who has been unwillingly removed from his/her environment without permission from the child's legal guardian or a designated legal representative.

334.2.2 CHILD ABDUCTION CRITERIA
The following conditions must be met before activating an AMBER Alert (Government Code 8594(a)):

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

334.2.3 PROCEDURE FOR AMBER ALERT
In the event of a confirmed child abduction, the following procedures designed to alert the media shall be followed.

(a) The Administrative Lieutenant, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
Public Alerts

6. Name and phone number of the Administrative Lieutenant or other authorized individual to handle media liaison

7. A telephone number for the public to call to provide leads and information

(b) Fax the press release to the local television and radio stations.

(c) The information in the press release should also be forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Emergency Alert System sites (EAS)

2. California Highway Patrol (CHP)

3. California Law Enforcement Telecommunication System (CLETs) message to activate the Emergency Digital Information System (EDIS)

4. FBI local office

5. Prompt entry of information into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC)

6. National Center for Missing and Exploited Children, 800-843-5678

(e) The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

334.3 RESPONSIBILITIES

334.3.1 MEMBER RESPONSIBILITIES
Members of the West Valley-Mission Community College District Police Department should notify their supervisor, Watch Commander, or Investigations Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

334.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Administrative Lieutenant when any public alert is generated.
Public Alerts

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts
(b) Canceling alerts
(c) Ensuring all appropriate reports are completed
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

334.4 AMBER ALERTS
The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

334.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
(c) The victim is in imminent danger of serious injury or death.
(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

334.4.2 PROCEDURE FOR AMBER ALERT
The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:
   1. The child’s identity, age and description
   2. Photograph if available
   3. The suspect’s identity, age and description, if known
   4. Pertinent vehicle description
   5. Detail regarding location of incident, direction of travel, potential destinations, if known
   6. Name and telephone number of the AdministrativeLieutenant or other authorized individual to handle media liaison
   7. A telephone number for the public to call with leads or information
Public Alerts

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff’s Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETs).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:
   1. The local FBI office
   2. National Center for Missing and Exploited Children (NCMEC)

334.5 BLUE ALERTS
Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

334.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

   (a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
   (b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
   (c) A detailed description of the suspect’s vehicle or license plate is available for broadcast.
   (d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

334.5.2 PROCEDURE FOR BLUE ALERT
The supervisor in charge should ensure the following:

   (a) An initial press release is prepared that includes all available information that might aid in locating the suspect:
      1. The license number and/or any other available description or photograph of the vehicle
      2. Photograph, description and/or identification of the suspect
      3. The suspect’s identity, age and description, if known
Public Alerts

4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Administrative Lieutenant or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
(c) The information in the press release is forwarded to the Sheriff’s Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
(d) The following resources should be considered as circumstances dictate:
   1. Entry into the California Law Enforcement Telecommunication System (CLETs)
   2. The FBI local office

334.6 SILVER ALERTS
Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

334.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.
(b) The department has utilized all available local resources.
(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.
(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.
(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).
Public Alerts

334.7 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff's Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. The Watch Commander will provide a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Administrative Lieutenant will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

The West Valley-Mission Community College District Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff's Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

334.8 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES
Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

334.8.1 CRITERIA
Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

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

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

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

(a) A person has been killed due to a hit-and-run incident.

(b) There is an indication that a suspect has fleeing the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

(c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:

1. The complete license plate number of the suspect's vehicle.

2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.

3. The identity of a suspect.

4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

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

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

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

(a) The missing person is an indigenous person.

(b) The Department has utilized local and tribal resources.

(c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that
Public Alerts

the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

334.10.2 PROCEDURE FOR FEATHER ALERT
Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).
Victim and Witness Assistance

336.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY
The West Valley-Mission Community College District Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the West Valley-Mission Community College District Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.2.1 CRIME DEFINED
Crime shall mean a crime or public offense as defined in Penal Code § 15, which results in injury to a resident of this state, including such a crime or public offense, wherever it may take place, when such resident is temporarily absent from the state. No act involving the operation of a motor vehicle, aircraft, or water vehicle which results in injury or death shall constitute a crime of violence for the purposes of this article, except that a crime of violence shall include an:

(a) Injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or water vehicle.
(b) Injury or death sustained in an accident caused by a driver in violation of Vehicle Code §§ 20001, 23152, or 23153.
(c) Injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which he/she knowingly and willingly participated.
(d) Injury or death caused by a person fleeing from law enforcement in a vehicle (Government Code § 13955(e)(2)(F)).

336.3 CRIME VICTIM LIAISON
The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the West Valley-Mission Community College District Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

336.3.1 CRIME VICTIM LIAISON DUTIES
The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation
shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the West Valley-Mission Community College District Police Department jurisdiction (Penal Code § 680.2).

(f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.

1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

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 designated Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

336.3.5 VICTIM INFORMATION AND NOTIFICATION
When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender’s custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the West Valley-Mission Community College District Police Department Victim Information card.

336.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

336.4.1 VICTIMS OF HUMAN TRAFFICKING
Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

336.5 VICTIM INFORMATION
The Administration Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.
(b) Community resources for victims of sexual assault.
(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
(f) A clear explanation of relevant court orders and how they can be obtained.
Victim and Witness Assistance

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer’s name, badge number, and any applicable case or incident number.

(l) The “Victims of Domestic Violence” card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.
Hate Crimes

338.1 CRIMINAL STATUTES
Penal Code § 422 - Prohibits verbal, written or electronically transmitted threats to commit great bodily injury or death to another person or to 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 threatens violence and the defendant has the apparent ability to carry out the threat.

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

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

Penal Code § 422.56 - Defines gender for purposes of various hate crime statutes to mean the victim's actual sex or a person's gender identity and gender-related appearance and behavior, whether or not it is stereotypically associated with the person's assigned sex at birth.

Penal Code § 422.77 - Provides for the criminal enforcement of any order issued pursuant to Civil Code § 52.1.

Penal Code § 11411 - Prohibits terrorizing by placing or displaying any unauthorized sign, mark, symbol, emblem or other physical impression (including a Nazi swastika, a noose or burning cross).

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

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

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

18 USC § 245 - Federal law also prohibits discrimination-based acts and may be considered in addition to or in lieu of state law, depending on the circumstances.

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

Civil Code § 52 - Provides for civil suit by individual, Attorney General, District Attorney or District Legal 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.

338.3 PURPOSE AND SCOPE
This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement’s role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the West Valley-Mission Community College District Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

338.3.1 DEFINITION AND LAWS
In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is
Hate Crimes

grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person’s gender identity and gender expression.

**Gender expression** - Gender expression means a person’s gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person’s assigned sex at birth.

**Gender identity** - Gender identity means each person’s internal understanding of their gender, or the perception of a person’s gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person’s sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

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

1. “Association with a person or group with one or more of these actual or perceived characteristics” includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:
**Hate Crimes**

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:
  - Fighting words
  - True threats
  - Perjury
  - Blackmail
  - Incitement to lawless action
  - Conspiracy
  - Solicitation to commit any crime

**In whole or in part** - “In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:
  - Community center
  - Educational facility
  - Entity
  - Family
  - Group
  - Individual
  - Office
Hate Crimes

- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

338.4 POLICY
It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

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

338.5 PLANNING AND PREVENTION
In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

338.5.1 HATE CRIMES COORDINATOR
A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):
**Hate Crimes**

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, black or African-American, Jewish, Sikh, and persons with disabilities.

(i) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

(j) Verifying a process is in place to provide this policy and related orders to officers in the field; and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Section for mandated reporting to the Department of Justice.

1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Section Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Annually assessing this policy, including:

1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions,
**Hate Crimes**

including definitions, responsibilities, training resources, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

338.5.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.
(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.
(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim’s family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

338.6 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

338.6.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.
Hate Crimes

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.
   1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:
   1. Hate literature.
   2. Spray paint cans.
   3. Threatening letters.
   4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:
   1. Identity of suspected perpetrators.
   2. Identity of witnesses, including those no longer at the scene.
   3. The offer of victim confidentiality per Government Code § 7923.615.
   4. Prior occurrences in this area or with this victim.
   5. Statements made by suspects; exact wording is critical.
   6. The victim’s protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
Hate Crimes

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).


338.6.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:
   1. Hate literature.
   2. Spray paint cans.
   3. Threatening letters.
   4. Symbols used by hate groups.
   5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:
   1. Identity of suspected perpetrators.
   2. Identity of witnesses, including those no longer at the scene.
   4. Prior occurrences, in this area or with this victim.
   5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

   (h) Provide victim assistance and follow-up.
   (i) Canvass the area for additional witnesses.
   (j) Examine suspect's social media activity for potential evidence of bias motivation.
   (k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
   (l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
   (m) Determine if the incident should be classified as a hate crime.
   (n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
       1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
       2. Provide ongoing information to victims about the status of the criminal investigation.
       3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
   (p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

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

   (a) Provide immediate assistance to the crime victim by:
       1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
       2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
       3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).
Hate Crimes

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

338.7 TRAINING
All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

338.8 APPENDIX
See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf
Standards of Conduct

340.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the West Valley-Mission Community College District Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member’s supervisors.

340.2 POLICY
The continued employment or appointment of every member of the West Valley-Mission Community College District Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

340.3 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

340.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.
Standards of Conduct

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

340.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

340.4 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

340.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

340.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or District manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.
Standards of Conduct

340.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the West Valley-Mission Community College District Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

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

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

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

340.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

340.5.4 RELATIONSHIPS

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

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

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).
Standards of Conduct

340.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

340.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this department.

(a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

340.5.7 EFFICIENCY

(a) Neglect of duty.

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

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

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.
Standards of Conduct

340.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any workrelated investigation.

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

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on duty or, on department property except as expressly authorized by District policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by District policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on or off duty that brings discredit to this department.

340.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law
Standards of Conduct

enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

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

(g) Use of obscene, indecent, profane or derogatory language while on duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on or off duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

340.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
Standards of Conduct

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

340.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Department Technology Use

342.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the proper use of Department information technology resources, including computers, electronic devices, hardware, software and systems.

342.1.1 DEFINITIONS
Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the West Valley-Mission Community College District Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

342.1.2 REFERENCES
West Valley Mission Community College District Board Policies (BP) and Administrative Procedures (AP).

- BP 3720, Information Technology Use
- AP 3720, Information Technology Use

342.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy. Any requirements outlined in this policy are supplemental to the Information Technology Use policies issued by the West Valley Mission Community College District.

342.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any Department computer system.
**Department Technology Use**

The Department reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department/District, including the Department email system, computer network and/or any information placed into storage on any Department/District system or device. This includes records of all keystrokes or Web-browsing history made at any Department/District computer or over any Department/District network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through Department/District computers, electronic devices or networks.

However, the Department may not require a member to disclose a personal username or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

**342.4 RESTRICTED USE**

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

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

**342.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any Department/District computer. Members shall not install personal copies of any software onto any Department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IS) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of Department- or District-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IS staff and a full scan for malicious attachments.
342.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to
department-related activities. Data stored on or available through Department computer systems
shall only be accessed by authorized members who are engaged in an active investigation
or assisting in an active investigation, or who otherwise have a legitimate law enforcement or
department-related purpose to access such data. Any exceptions to this policy must be approved
by a supervisor.

342.4.3 INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-
related activities. Internet sites containing information that is not appropriate or applicable to
Department use and which shall not be intentionally accessed include, but are not limited to,
adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain
exceptions may be permitted with the express approval of a supervisor as a function of a member's
assignment.

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

342.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in
conjunction with specific on-call assignments unless specifically authorized by a supervisor. This
includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related
activities. This also applies to personally owned devices that are used to access Department
resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of
personally owned technology.

342.5 PROTECTION OF AGENCY SYSTEMS AND FILES
All members have a duty to protect the computer system and related systems and devices from
physical and environmental damage and are responsible for the correct use, operation, care and
maintenance of the computer system.

Members shall ensure Department computers and access terminals are not viewable by persons
who are not authorized users. Computers and terminals should be secured, users logged
off and password protections enabled whenever the user is not present. Access passwords,
logon information and other individual security data, protocols and procedures are confidential
information and are not to be shared. Password length, format, structure and content shall meet
the prescribed standards required by the computer system or as directed by a supervisor and
shall be changed at intervals as directed by IS staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any
time or for any reason. Members shall promptly report any unauthorized access to the computer
system or suspected intrusion from outside sources (including the Internet) to a supervisor.
**Department Technology Use**

**342.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department/District involving one of its members or a member’s duties, an alleged or suspected violation of any Department policy, a request for disclosure of data, or a need to perform or provide a service.

The IS staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the Department computer system when requested by a supervisor or during the course of regular duties that require such information.
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
Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee’s opinions should not be included in reports unless specifically identified as such under the heading "Opinions/Recommendations" within the "Additional Information" Section.

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
When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests
(b) All felony crimes
(c) Non-Felony incidents involving threats or stalking behavior
(d) Situations covered by separate policy. These include:
   1. Use of Force Policy
   2. Domestic Violence Policy
Report Preparation

3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

344.2.2 NON-CRIMINAL ACTIVITY

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

(a) Anytime an officer points a firearm at any person (the department Use of Force Report Form and a crime/incident report).
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
(e) Any found property or found evidence
(f) Anytime a person has been referred for a mental health evaluation (see Mental Illness Commitments Policy)
(g) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(h) Any non-criminal incident ("Dating Violence," "Stalking") as identified in the Violence Against Women's Act (VAWA)
(i) Any industrial accident involving injuries
(j) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
(k) All protective custody detentions
(l) Suspicious incidents that may place the public or others at risk
(m) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:
Report Preparation

(a) Sudden or accidental deaths.
(b) Suicides.
(c) Homicide or suspected homicide.
(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).
(e) Found dead bodies or body parts.

Assigned officer(s) will conduct a preliminary investigation and properly document the same, regardless of whether or not another law enforcement agency assumes responsibility for the investigation.

344.2.4 INJURY OR DAMAGE BY DISTRICT PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a District employee. Additionally, reports shall be taken involving damage to District property or District equipment. This includes traffic collisions involving District vehicles which occur in another jurisdiction if the responsible agency is unwilling or unavailable to take a report.

344.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) A medical crisis or injury which occurs on campus and necessitates emergency medical services (Fire and or Paramedics) and Health Services is unable to document the incident
(b) The injury is a result of drug overdose
(c) Attempted suicide
(d) The injury is major/serious, whereas death could result
(e) 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.

344.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Section shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

344.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.
Report Preparation

(b) Misdemeanor thefts of property of less than two-hundred dollars, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item (Except involving District property).
   1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.

(c) Misdemeanor vandalism with no suspect information and no hate crime implications (Except involving District property)

(d) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor

(e) Supplemental property lists.

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

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.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a minor spelling or grammatical correction is obvious and necessary, the reviewing supervisor may make corrections independent of the reporting employee. Other minor report corrections can be made by the supervisor if the reporting employee is contacted by the supervisor and he/she agrees to the changes. If the accuracy and or content require significant correction and or additional details, the supervisor will "Kick-back" the report in Case Management. If necessary, the supervisor may also complete a Report Correction form (RCF.344.01)) stating the reasons for rejection and any requirements/
Report Preparation

recommendations. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

344.5 REPORT CHANGES OR ALTERATIONS
Reports that have received "Final Approval" from 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. However, Records personnel are authorized to correct any errors which relate to UCR or CLERY reporting requirements, incorrect case numbers, incorrect addresses, or spelling/grammar/punctuation errors. 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.

344.6 ATTACHMENTS
See attachment: RCF.344.01(Supervisor).pdf
Report Writing Format

345.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for writing reports and documenting information consistent with department procedure and established protocols.

345.2 POLICY
The West Valley-Mission Community College District Police Department is responsible for documenting different types of incidents and investigations, including both criminal and non-criminal activities and events. These reports are generally memorialized electronically via computer and/or handwritten using specific forms. Reports shall be written following the proper format and established protocols. Once completed, all reports will be submitted to a supervisor for review, correction and final approval consistent with the department's Report Preparation Policy.

345.3 REPORT FORMATS
Reports will be completed using the appropriate format and following the established protocol for the specific type of report being completed. This policy covers Crime and Information report formats. Traffic collisions will be prepared in compliance with the California Highway Patrol Collision Investigation Manual (CIM) as outlined in Policy 502 of this manual.

345.3.1 CRIME/INCIDENT REPORT
The Crime Report format consists of five sections used to document all pertinent facts in a given situation. These sections are:

1. LISTED INFORMATION
2. SYNOPSIS
3. NARRATIVE
4. EVIDENCE/PROPERTY
5. ADDITIONAL INFORMATION

LISTED INFORMATION (If not needed, do not use)
This section may be used for Face Sheet continuation information, additional charges, and attachments.

SYNOPSIS (Required) (If already on the Face Sheet, do not include in the body of the report)
This section is written in first-person, past tense sentences and is generally a 5-7 sentence paragraph that describes the time, date, location of occurrence along with elements of the offense and the disposition of the suspect. Individuals are not identified by name in this section.

NARRATIVE (Chronological from the officer's viewpoint)
Report Writing Format

This section is written in first-person, past tense, sentences that describe the officer's actions and when appropriate includes:

INJURIES to victims, suspect, officer, etc. describing the location and type.

STATEMENTS of victims, witnesses, RP’s, suspects or others. This section is written in third person, past tense.

EVIDENCE/PROPERTY (If not needed, do not use, When items are listed either in Case Management or on an Evidence & Photographic Report (23-47), write, "Refer to...")

This section is used to list property taken/recovered, or listing evidence found, the location, who found it, who collected it, and where it is stored.

ADDITIONAL INFORMATION (If not needed, don't use)

This is a free form section for listing other pertinent information related to the event, participating law enforcement officers (PLEO), and recommendations for follow-up or case filing. It is also appropriate to include an officer's opinion so long as it is clearly identified as such. If this section is not used, the report must conclude with a sentence such as, "Further investigation to follow", "No further information", "End of Report", etc.

NOTE: When writing a crime/incident report, it is not necessary to write something in each section if there is not information available or applicable. An example would be if there were no INJURIES then that portion is not required. In some cases such as a case with no suspects, or witnesses and there is little chance of recovering property, the entire format may be omitted by writing a simple synopsis on the face sheet.

345.3.2 INFORMATION REPORT

An information report may be written using either the entire Crime/Incident Report format as outlined above in section 345.3.1 or just a Synopsis/Narrative format. The Synopsis/Narrative format may only be used to document and provide an overview of activities or events and not for a detailed or active investigation. A Synopsis/Narrative report should be written from the officer's viewpoint in a straightforward, chronological manner, starting with when and how the information was received, what was observed, etc. A Synopsis/Narrative format shall not be used to document INJURIES, STATEMENTS, EVIDENCE/PROPERTY or ADDITIONAL INFORMATION.

345.4 ATTACHMENTS

See attachment: SCCPC_Assoc_Report Format.pdf
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 of Police and in situations where the Chief of Police has given prior approval, the Division Commander and or Watch Commander may prepare and release information to the media in accordance with this policy and the applicable law.

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

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from 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 comments 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 members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

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

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

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Lieutenant or other designated spokesperson.
Media Relations

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

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

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

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

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

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

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 through the Watch Commander. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.
Media Relations

(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 (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

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.

Non-law enforcement related requests for information regarding the District's operations, activities and or personnel will be directed to the appropriate college press information officer.
Subpoenas and Court Appearances

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.

348.1.1 DEFINITIONS

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

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

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

348.2 POLICY
West Valley-Mission Community College District Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

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

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the
Subpoenas and Court Appearances

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)).

348.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the College District's attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the District or one of its members, as a result of his/her official capacity, is a party.
(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the West Valley-Mission Community College District Police Department.
(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the West Valley-Mission Community College District Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

348.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

348.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

348.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.
Subpoenas and Court Appearances

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

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

348.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the Department uniform or business attire (Officers should confer with the prosecutor regarding the type of dress to be worn).

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

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

348.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.
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. When deciding whether to handcuff an arrestee, officers should carefully balance officer safety concerns with factors including, but not limited to the following:

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

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

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

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

354.2.3  HANDCUFFING OF DETAINERS

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released prior to arrest. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees should continue for only as long as is reasonably necessary to assure the safety of officers and others. Officers should continuously weigh the safety interests at hand against the intrusion upon the detainee when deciding to remove handcuffs from a detainee.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for use of handcuffs.

354.2.4  HANDCUFFING OF PREGNANT ARRESTEES

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others (Penal Code § 6030).
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 (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations. The Department’s operational guidelines covering death investigations shall be followed and all suspected homicides handled in accordance to the appropriate memorandum of understanding with local law enforcement.

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 in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.
Death Investigation

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).
(l) Occupational diseases or occupational hazards.
(m) Known or suspected contagious disease and constituting a public hazard.
(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
(o) In prison or while under sentence. Includes all in-custody and police involved deaths.
(p) All deaths of unidentified persons.
(q) All deaths of state hospital patients.
(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

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 a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION
When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.
Death Investigation

360.2.4 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Coroner arrives, the Coroner’s office will issue a “John Doe” or “Jane Doe” number for the report.

360.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer will summon assistance as needed, secure the crime scene, and notify the on-duty supervisor. If there is no on-duty supervisor, the OIC and on-call supervisor will be notified as soon as possible. The Department will notify the appropriate outside law enforcement agency to request assistance with the investigation as necessary or take over the investigation. In either case, the initially assigned officer is responsible for the conduct of the investigation until properly relieved by their supervisor.

360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).
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.
**Private Persons Arrests**

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

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

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

**364.5 REPORTING REQUIREMENTS**

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a Department Private Person's Arrest form under penalty of perjury.

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

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 Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
Anti-Reproductive Rights Crimes Reporting

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Mandatory Employer Notification

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 POLICY
The West Valley-Mission Community College District Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

372.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

372.3.1 ARREST OF PUBLIC SCHOOL TEACHER
In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

This section applies to "Middle College" teachers who provide instruction at a Community College.

372.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a) or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

372.3.3 ARREST OF PRIVATE SCHOOL TEACHER
In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to
**Mandatory Employer Notification**

immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

372.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor’s Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

372.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES
In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential treatment center or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).
Public Safety Video Surveillance System

378.1 PURPOSE AND SCOPE
This policy provides guidance for the placement and monitoring of department public safety video surveillance, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video surveillance systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

378.2 POLICY
The West Valley-Mission Community College District Police Department may operate a public safety video surveillance system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the District to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist District officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

378.3 OPERATIONAL GUIDELINES
Only department-approved video surveillance equipment shall be utilized. Members authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

378.3.1 PLACEMENT AND MONITORING
Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected District divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and monitoring of activity around high-value or high-threat areas. The public video surveillance system may be useful for the following purposes:

(a) To prevent, deter, and identify criminal activity.
(b) To target identified areas of gang and narcotics complaints or activity.
(c) To respond to critical incidents.
Public Safety Video Surveillance System

(d) To assist in identifying, apprehending, and prosecuting offenders.
(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.
(f) To augment resources in a cost-effective manner.
(g) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Watch Commander’s office and CountyCommunications. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Watch Commander or trained personnel in CountyCommunications are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

378.3.2 CAMERA MARKINGS
All public areas monitored by public safety surveillance equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under police surveillance. Signs should be well lit, placed appropriately and without obstruction to ensure visibility.

378.3.3 INTEGRATION WITH OTHER TECHNOLOGY
The Department may elect to integrate its public safety video surveillance system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered in accordance with District policies and procedures.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

378.4 VIDEO SUPERVISION
Supervisors should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

378.4.1 VIDEO LOG
A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have
Public Safety Video Surveillance System

been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

(a) Date and time access was given.
(b) Name and agency of the person being given access to the images.
(c) Name of person authorizing access.
(d) Identifiable portion of images viewed.

378.4.2 PROHIBITED ACTIVITY
Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

378.5 STORAGE AND RETENTION OF MEDIA
All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the DistrictLegal. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

378.5.1 EVIDENTIARY INTEGRITY
All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
Public Safety Video Surveillance System

378.6 RELEASE OF VIDEO IMAGES
All recorded video images gathered by the public safety video surveillance equipment are for the official use of the West Valley-Mission Community College District Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

378.7 VIDEO SURVEILLANCE AUDIT
The Chief of Police or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

378.8 TRAINING
All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.
Child and Dependent Adult Safety

380.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

380.2 POLICY
It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The West Valley-Mission Community College District Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

380.3 PROCEDURES DURING AN ARREST
When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.
(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.
(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should
explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

380.3.1 AFTER AN ARREST
Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS
During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any
380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).
Child and Dependent Adult Safety

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).
Service Animals

382.1 PURPOSE AND SCOPE
The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

382.1.1 DEFINITIONS
Definitions related to this policy include:
Service animal - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

382.1.2 REFERENCES
The following are references to the West Valley-Mission Community College District Board Policies (BP) and Administrative Procedures (AP).

• BP 3440, Service Animals
• AP 3440, Service Animals

382.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

382.3 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

• Guiding people who are blind or have low vision.
• Alerting people who are deaf or hard of hearing.
• Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
Service Animals

- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.4 INQUIRIES AND COMPLAINTS
Under the Americans with Disabilities Act, people with disabilities have the right to be accompanied by service animals in all public areas and the West Valley-Mission Community College District Police Department considers interference with or denial of this right by any member of this Department to be a serious violation of this policy. Complaints alleging violations of this policy against any Department employee will be promptly investigated and should be referred to a supervisor.

382.5 MEMBER RESPONSIBILITIES
Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the West Valley-Mission Community College District Police Department affords to all members of the public (28 CFR 35.136).

382.5.1 INQUIRY
If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

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

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

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

382.5.3 REMOVAL
If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this Department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

382.5.4 COMPLAINTS
When handling calls of a complaint regarding a service animal, members of this Department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).
Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE
The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the West Valley-Mission Community College District Police Department with respect to taking law enforcement action while off-duty.

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

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

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

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

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

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

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
(b) The inability to communicate with responding units.
(c) The lack of equipment, such as handcuffs, OC or baton.
Off-Duty Law Enforcement Actions

(d) The lack of cover.
(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.
(f) Unfamiliarity with the surroundings.
(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

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

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

Whenever practicable, the officer should loudly and repeatedly identify him/herself as a police officer until acknowledged. Official identification should also be displayed whenever requested and or reasonably possible.

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

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

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

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

Officers should cooperate fully with the agency having jurisdiction in providing official identification, statements or reports as requested or as appropriate.
Gun Violence Restraining Orders

391.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

391.1.1 DEFINITIONS
Definitions related to this policy include:

**Gun violence restraining order** - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

391.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to petition for and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

391.3 GUN VIOLENCE RESTRAINING ORDER COORDINATOR
The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
Gun Violence Restraining Orders

7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.

8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).

2. Forwarding orders to the Records Manager for recording in appropriate databases and required notice to the court, as applicable.

3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).

4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.

5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Sergeant to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

391.4 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to self or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from the officer's supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or
Gun Violence Restraining Orders

inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may submit the petition electronically or orally request a temporary order (Penal Code § 18122; Penal Code § 18140).

391.4.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

391.5 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Manager for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.
All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

391.5.1 TEMPORARY EMERGENCY GUN VIOLENCE RESTRAINING ORDERS
An officer requesting a temporary emergency gun violence restraining order shall (Penal Code § 18140):

(a) For oral requests, sign a declaration under penalty of perjury reciting the oral statements provided to the judicial officer and memorialize the order of the court on the form approved by the Judicial Council.

(b) Serve the order on the restrained person if the person can be reasonably located.

(c) Forward a copy of the order to the Records Manager for filing with the court and appropriate databases.

391.6 SEARCH WARRANTS
If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

391.7 RECORDS MANAGER RESPONSIBILITIES
The Records Manager is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
Gun Violence Restraining Orders

(b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).

(d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

391.8 COURT-ORDERED FIREARMS ANDammunition SURRENDERS
Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual’s name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

391.9 RELEASE OF FIREARMS AND AMMUNITION
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

391.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS
The Investigations supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

391.11 POLICY AVAILABILITY
The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

391.12 TRAINING
The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).
Chapter 4 - Patrol Operations
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of West Valley-Mission Community College District, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws, District rules and regulations and respond to emergencies 20 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 campus 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 appropriate College District personnel, 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 and parking enforcement duties

400.1.2 TERRORISM
It is the goal of the West Valley-Mission Community College District Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the appropriate personnel and outside agencies in a timely fashion.
Patrol Function

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information within the West Valley-Mission Community College District Police Department.

400.2.1 CRIME ANALYSIS UNIT
Investigations will be the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Investigationss Unit for distribution to all appropriate members within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the Patrol Support Division for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Officers are encouraged to share information as much as possible. All officers will be provided an opportunity to share information during daily shift changes as time permits. Generally this occurs during the 30 minute overlap between the previous shift going off-duty and the incoming shift going on-duty. As each new shift comes on-duty, these officers are responsible for contacting the officer they are replacing (Assigned beat) and sharing information. Officers are also expected to check the clip boards in the patrol room, ARMS, and their email for any messages.

400.2.4 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the patrol room and will be available for review by officers from within the Department. These will include, but not be limited to, the patrol check, the wanted persons, and the written directive/memo clipboards.

400.2.5 BULLETIN BOARDS
Bulletin boards may be kept in several areas of the Department. The purpose of these bulletin boards is to provide general information which may helpful to personnel. A few of these examples are: Patrol and Investigationss for display of suspect information, intelligence reports and photographs. The Evidence processing room for information related to booking evidence and evidence collection. The Records Unit for information regarding reports and court. The Parking and Traffic Unit regarding special events and traffic issues.

400.3 CROWDS, EVENTS AND GATHERINGS
Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety
Patrol Function

commits before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 626 et.al, when the activity interfere with the orderly operation of college activities or blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.
Bias-Based Policing

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the West Valley-Mission Community College District Police Department's commitment to policing that is fair and objective. The intent of this policy is to increase the West Valley-Mission Community College District Police Department effectiveness as a law enforcement agency and to build mutual trust and respect with the diverse groups and communities that we serve. The West Valley-Mission Community College District Police Department strictly prohibits racial and identity profiling.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS
Definitions related to this policy include:

**Bias-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

**Racial or Identity Profiling:** The consideration of, or reliance on, to any degree, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description. Such activities include, but are not limited to, traffic or pedestrian stops, or actions taken during a stop, such as asking questions, frisks, consensual and nonconsensual searches of a person or any property, seizing any property, removing vehicle occupants during a traffic stop, issuing a citation, and making an arrest.

**Implicit Bias:** The attitudes or stereotypes that affect a person's understanding, actions, and decisions in an unconscious manner. These biases, which encompass both favorable and unfavorable assessments, are activated involuntarily and without an individual's awareness or intentional control. Implicit biases are different from known biases that individuals may choose to conceal.

402.2 POLICY
The West Valley-Mission Community College District Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services
**Bias-Based Policing**

and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

**402.3 BIAS-BASED POLICING PROHIBITED**

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

**402.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT**

Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

**402.4 MEMBER RESPONSIBILITIES**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

**402.4.1 REASON FOR CONTACT**

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

**402.4.2 REPORTING OF STOPS**

As required by the California Racial and Identity Profiling Act of 2015, West Valley-Mission Community College District Police Department is required to collect data on: (a) civilian complaints that allege racial and identity profiling and (b) perceived demographic and other detailed data regarding pedestrian and traffic stops. The data to be collected for stops includes, among other
Bias-Based Policing

things, perceived race or ethnicity, approximate age, gender, LGBT status, limited or no English fluency, or perceived or known disability, as well as other data such as the reason for the stop, whether a search was conducted, and the results of any such search. All agencies must report this data to the California Department of Justice.

Unless an exception applies under the law, an officer conducting a stop of a person shall collect the data elements required by law for every person stopped and prepare a stop data report.

Peace officers within the Department shall complete all applicable data fields in the Department's AB 953 RIPA Stop Data Application for each stop. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the West Valley-Mission Community College District Police Department is the primary agency, the West Valley-Mission Community College District Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer’s shift or as soon as practicable (11 CCR 999.227).

402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

1. Supervisors should document these periodic reviews.

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

(e) Supervisors will review stop data submissions by officers and insure accuracy and consistency with the reporting requirements and procedures. Supervisors will assure that Officers are submitting stop data reports in accordance with this policy and stop
data reporting procedures. Supervisors will make the final submission of the stop data record to the DOJ.

402.6 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Police Lieutenant shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Manager for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Section Policy.

Supervisors should ensure that data stop reports are provided to the Records Manager for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

402.7 ADMINISTRATION
Each year, the Police Lieutenant should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.8 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

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

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).
Crime and Disaster Scene Integrity

406.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance in handling a major crime or disaster.

406.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

406.3 SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

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

(a) Broadcast emergency information, including requests for additional assistance and resources.
(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
(d) Provide first aid to injured parties if it can be done safely.
(e) Evacuate the location safely as required or appropriate.
(f) Secure the inner perimeter.
(g) Protect items of apparent evidentiary value.
(h) Secure an outer perimeter.
(i) Identify potential witnesses.
(j) Start a chronological log noting critical times and personnel allowed access.

406.5 SEARCHES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat.
Crime and Disaster Scene Integrity

Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

406.5.1 CONSENT
When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

406.6 EXECUTION OF HEALTH ORDERS
Any sworn member of this Department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).
Ride-Along Policy

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

410.1.1 ELIGIBILITY
The West Valley-Mission Community College District Police Department Ride-Along Program is offered to residents, students and those employed within the District. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the department/District
- Denial by any supervisor

410.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 8:00 a.m. to 10:00 p.m. Exceptions to this schedule may be made as approved by a sworn supervisor.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Watch Commander. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the department will contact the applicant and advise him/her of the denial.

410.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: District administrators, police applicants, and all others with approval of the Watch Commander.
Ride-Along Policy

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.

Whenever possible, ride-alongs will be scheduled when a supervisor is on-duty.

410.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Watch Commander or the officer, may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer to the public or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the West Valley-Mission Community College District Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

410.3 OFFICER’S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Watch Commander is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Watch Commander with any comments which may be offered by the officer.

410.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer
(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment
Ride-Along Policy

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
Mental Illness Commitments

418.1 PURPOSE AND SCOPE
This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

418.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

418.3 AUTHORITY
An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person’s mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person
(b) A family member
(c) The person subject to the determination or anyone designated by the person

418.3.1 VOLUNTARY EVALUATION
If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
(c) Document the circumstances surrounding the individual’s desire to pursue voluntary evaluation and/or admission.

418.3.2 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
Mental Illness Commitments

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 CONSIDERATIONS AND RESPONSIBILITIES
Any officer handling a call involving an individual who may qualify for a 5150 commitment should
consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the
person's action or stated intentions.
(b) Community or neighborhood mediation services.
(c) College Mental Health-Behavior Intervention Team.
(d) Conflict resolution and de-escalation techniques.
(e) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from
taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to
be a mitigating factor for people who are suspected of committing minor crimes or creating other
public safety issues.

418.4.1 SECURING OF PROPERTY
When a person is taken into custody for evaluation, or within a reasonable time thereafter, and
unless a responsible relative, guardian or conservator is in possession of the person's personal
property, the officer shall take reasonable precautions to safeguard the individual's personal
property in his/her possession or on the premises occupied by the person (Welfare and Institutions
Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the
person's property and its disposition in the format provided in Welfare and Institutions Code §
5211, unless a responsible person took possession of the property, in which case the officer shall
Mental Illness Commitments

only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

418.5 TRANSPORTATION
When transporting any individual for a 5150 commitment, the transporting officer will provide County Communications the same information normally provided whenever a person is in-custody and being transported. The officer will request County Communications notify the receiving facility of the estimated time of arrival, if the individual is uncooperative and or violent and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences. All requests for medical transports should be coordinated through County Communications.

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 Investigations which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other
Mental Illness Commitments

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 TRANSFER TO APPROPRIATE FACILITY
Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

418.7 DOCUMENTATION
The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

418.7.1 ADVISEMENT
The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer’s name and agency.
(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.
(c) The name of the facility to which the person is being taken.
(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.
Mental Illness Commitments

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.
(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.
(c) Facilitate the individual’s transfer to jail.
(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor’s judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

418.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons.

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see Property and Evidence Policy).
Mental Illness Commitments

418.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS
Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

418.10 TRAINING
This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.
Cite and Release Policy

420.1 PURPOSE AND SCOPE
This policy provides guidance on when to release adults who are arrested for a criminal misdemeanor offense on a written notice to appear (citation) and when to hold for court or bail.

420.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department’s mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

420.3 RELEASE BY CITATION
Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person’s arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

420.3.1 FIELD CITATIONS
In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

420.3.2 RELEASE AFTER BOOKING
In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. Whenever reasonably possible, bookings shall be approved by the Watch Commander or the authorized designee.

420.4 NON-RELEASE
Cite and Release Policy

420.4.1 DISQUALIFYING OFFENSES
An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))
(b) Felony domestic battery (Penal Code § 273.5)
(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))
(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)
(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person’s workplace or residence (Penal Code § 273.6)
(f) Stalking (Penal Code § 646.9)
(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

420.4.2 REASONS FOR NON-RELEASE
A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.
(b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.
(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
(d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
(e) The person could not provide satisfactory evidence of personal identification.
   1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
Cite and Release Policy

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation

(j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.

(k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Section.

420.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

(e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.

(g) The person has other ineligible charges pending against themselves.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.
Cite and Release Policy

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

420.6 JUVENILE CITATIONS
Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the West Valley-Mission C.C. District District codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the Investigations for further action including diversion.

420.7 REQUESTING CASE NUMBERS
Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.
Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that members of the West Valley-Mission Community College District Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY
The West Valley-Mission Community College District Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

422.3 CLAIMS OF IMMUNITY
If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.
(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.
(c) Request the person’s identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state.

422.4 ENFORCEMENT
If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:
Foreign Diplomatic and Consular Representatives

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
   1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
   1. Diplomatic-level staff of missions to international organizations and recognized family members
   2. Diplomatic agents and recognized family members
   3. Members of administrative and technical staff of a diplomatic mission and recognized family members
   4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:
   1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
   2. Support staff of missions to international organizations
   3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
   4. Honorary consular officers
   5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

422.5 DOCUMENTATION
All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

422.6 DIPLOMATIC IMMUNITY TABLE
Reference table on diplomatic immunity:
### Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise.</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Int’l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No for official acts. Yes otherwise (note (c))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Diplomatic-Level Staff of Missions to Int’l Org</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>

Notes for diplomatic immunity table:

- (a) No immunity or inviolability
- (b) No (full immunity & inviolability)
- (c) Yes for official acts. Yes otherwise
- (d) No for official acts. Yes otherwise
Foreign Diplomatic and Consular Representatives

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

| Category                          | Arrested or Detained | Enter Residence Subject to Ordinary Procedures | Issued Traffic Citation | Subpoenaed as Witness | Prosecuted | Recognized Family Members | Diplomatic Agent | No (note (b)) | Yes | No | Same as sponsor (full immunity & inviolability) | Member of Admin and Tech Staff | No (note (b)) | Yes | No | Same as sponsor (full immunity & inviolability) | Service Staff | Yes (note (a)) | Yes | Yes | Yes | No for official acts | Yes | No immunity or inviolability (note (a)) | Yes | No | Yes | No immunity or inviolability (note (a)) | Career Consul | Officer | Yes (note (a)) | Yes | Yes | Yes | No for official acts | Yes | Testimony may not be compelled in any case | No for official acts | Yes otherwise (note (a)) | No immunity or inviolability | Yes | Yes | Yes | No for official acts | Yes | No immunity or inviolability | Yes | Yes | Yes | No for official acts | Yes | Consulate Employees | Yes (note (a)) | Yes | Yes | No for official acts | Yes otherwise (note (a)) | No immunity or inviolability (note (a)) | Int’l Org Staff | Yes (note (b)) | Yes (note (c)) | Yes (note (c)) | Yes | Yes | Yes | No for official acts | Yes otherwise |
Rapid Response and Deployment

424.1 PURPOSE AND SCOPE
Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

424.2 POLICY
The West Valley-Mission Community College District Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

424.3 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.
Rapid Response and Deployment

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

424.3.1 RESPONSE TO SCHOOL THREATS
Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

424.4 CONSIDERATIONS
When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect’s actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

424.5 PLANNING
The Patrol Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.
Rapid Response and Deployment

(e) Evacuation routes in critical incident target sites.
(f) Patrol first-response training.
(g) Response coordination and resources of emergency medical and fire services.
(h) Equipment needs.
(i) Mutual aid agreements with other agencies.
(j) Coordination with private security providers in critical incident target sites.

424.6 TRAINING
The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
(b) Communications interoperability with other law enforcement and emergency service agencies.
(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
   (a) This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).
(d) First aid, including gunshot trauma.
(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
Immigration Violations

428.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the West Valley-Mission Community College District Police Department relating to immigration and interacting with federal immigration officials.

428.1.1 DEFINITIONS
The following definitions apply to this policy (Government Code § 7284.4):

Criminal immigration violation - Any federal criminal immigration violation that penalizes a person’s presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

Immigration enforcement - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

Judicial warrant - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

428.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

428.3 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

428.4 IMMIGRATION INQUIRIES PROHIBITED
Officers shall not inquire into an individual’s immigration status for immigration enforcement purposes (Government Code § 7284.6).

428.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)
Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).
Immigration Violations

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual’s record (Government Code § 15160).

428.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES
Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

428.5 DETENTIONS AND ARRESTS
An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

428.5.1 SUPERVISOR RESPONSIBILITIES
When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

428.6 FEDERAL REQUESTS FOR ASSISTANCE
Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).
**428.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

**428.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

**428.7.2 NOTICE TO INDIVIDUALS**

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the West Valley-Mission Community College District Police Department intends to comply with the request (Government Code § 7283.1).

If the West Valley-Mission Community College District Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).
Immigration Violations

428.7.3 ICE INTERVIEWS
Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the West Valley-Mission Community College District Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

428.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES
Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.
(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
(c) The individual is a current registrant on the California Sex and Arson Registry.
(d) The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

428.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Investigations supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Manager for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Section Policy).

428.8 U VISA AND T VISA NONIMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations supervisor assigned to oversee the handling of any related case. The Investigations supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
Immigration Violations

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

   (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

   (e) Inform the victim liaison of any requests and their status.

428.8.1 TIME FRAMES FOR COMPLETION
Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim’s family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

428.8.2 REPORTING TO LEGISLATURE
The Investigations supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

428.8.3 POLICE REPORTS
Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

428.9 TRAINING
The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

   (a) Identifying civil versus criminal immigration violations.

   (b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

   (c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
Aircraft Accidents

434.1 PURPOSE AND SCOPE
The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

434.1.1 DEFINITIONS
Definitions related to this policy include:

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

434.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

434.3 ARRIVAL AT SCENE
Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.
(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
(c) Preserve ground scars and marks made by the aircraft.
(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
(e) Maintain a record of persons who enter the accident site.
(f) Consider implementation of an Incident Command System (ICS).

434.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.
Aircraft Accidents

434.5 NOTIFICATIONS
When an aircraft accident is reported to this department, the responding supervisor shall coordinate with other local law enforcement and ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department
(b) Appropriate airport tower
(c) Emergency medical services (EMS)

434.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.
(b) Fire department, EMS or other assisting law enforcement agencies.
(c) Medical Examiner.
(d) Air Carrier/Operators investigative teams with NTSB approval.
(e) Appropriate branch of the military, when applicable.
(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

434.7 DANGEROUS MATERIALS
Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
(b) Pressure vessels, compressed gas bottles, accumulators and tires.
Aircraft Accidents

(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

434.8 DOCUMENTATION
All aircraft accidents occurring within the District of West Valley-Mission C.C. District shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WVMPD members deployed to assist; other District resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

434.8.1 WRECKAGE
When reasonably safe, members should:
(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

434.8.2 WITNESSES
Members tasked with contacting witnesses should obtain:
(a) The location of the witness at the time of his/her observation relative to the accident site.
(b) A detailed description of what was observed or heard.
(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
(d) The names of all persons reporting the accident, even if not yet interviewed.
(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

434.9 MEDIA RELATIONS
The Administrative Lieutenant (PIO) should coordinate with other local law enforcement a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the
**Aircraft Accidents**

accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims’ names. The PIO should coordinate with other involved entities before the release of information.
Field Training Officer Program

436.1 PURPOSE AND SCOPE
The Field Training Officer Program is intended to provide a standardized program to facilitate the officer’s transition from the academic setting to the actual performance of general law enforcement duties of the West Valley-Mission Community College District Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

436.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING
The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills. The Chief of Police shall have sole discretion in assigning members to, and ending, this specialty assignment.

436.2.1 SELECTION PROCESS
FTOs will be selected based on the following requirements:

(a) Interest in being an FTO
(b) Minimum of three 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 FTOs
(f) Possess a POST Basic certificate

436.2.2 TRAINING
An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer’s Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR
The FTO Program supervisor should be selected from the rank of sergeant or above or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs
Field Training Officer Program

(b) Conduct FTO meetings
(c) Maintain and ensure FTO/trainee performance evaluations are completed
(d) Maintain, update and issue the Field Training Manual to each trainee
(e) Monitor individual FTO performance
(f) Monitor overall FTO Program
(g) Maintain liaison with FTO coordinators of other agencies
(h) Maintain liaison with academy staff on recruit performance during the academy
(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST approved Field Training Administrator’s Course within one year of appointment to this position (11 CCR 1004(c)).

436.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the West Valley-Mission Community College District Police Department who has successfully completed a POST approved Basic Academy.

436.5 REQUIRED TRAINING
Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

436.5.1 FIELD TRAINING MANUAL
Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the West Valley-Mission Community College District Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the West Valley-Mission Community College District Police Department.

436.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.
Field Training Officer Program

436.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.
(b) Review the Daily Trainee Performance Evaluations with the trainee each day.
(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.
(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

436.6.4 TRAINEE
At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer’s training files and will consist of the following:

(a) Daily Trainee Performance Evaluations
(b) End-of-phase evaluations
(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training
Obtaining Helicopter Assistance

438.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will make the request through County Communications. If necessary, the Supervisor will call directly to the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Detentions And Photographing 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

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field Interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

**Field Photographs** - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual or recordings captured by the normal operation of a Body Worn Camera (BWC) system when persons are not posed for the purpose of photographing 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** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

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.
Detentions And Photographing Detainees

(c) The hour of day or night is inappropriate for the suspect's presence in the area.
(d) The suspect's presence in the particular area is suspicious.
(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.

440.3.1 INITIATING A FIELD INTERVIEW
An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the West Valley-Mission Community College District Police Department to strengthen our community involvement, community awareness and problem identification.

440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.
   1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where officers may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
Detentions And Photographing Detainees

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 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should document the individual’s consent.

440.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.
Detentions And Photographing Detainees

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 with the associated FI and the details entered into ARMS-Master Name, explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Watch Commander will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Records Section. These photographs will be purged as described in the Purging the Field Photo File subsection of this policy.

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 Manager will be responsible for ensuring that photographs maintained by the Records Section that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. 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.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been arrested/booked at the Santa Clara County Main Jail or the West Valley-Mission Community College District Police Department and the booking file remains in the Records Section.

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 requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief
Detentions And Photographing Detainees

of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will 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.

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 West Valley-Mission Community College District 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 West Valley-Mission Community College District 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 West Valley-Mission Community College District 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 West Valley-Mission Community College District Police Department personnel violated existing law or department
Detentions And Photographing Detainees

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.
Portable Audio/Video Recorders

450.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any West Valley-Mission Community College District Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

450.1.1 DEFINITIONS
Portable Audio/Video Recorders are synonymous with Body-worn-camera (BWC)

450.2 POLICY
The West Valley-Mission Community College District Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 MEMBER PRIVACY EXPECTATION
All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

450.4 MEMBER RESPONSIBILITIES
Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order and powered on at the start of the shift or assignment. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Whenever a member uses a portable recorder not previously assigned to them, the member shall record his/her name, WVMPD identification number, the camera serial number and the current date and time in CAD "Police Information" regardless of whether any activity was recorded. This
Portable Audio/Video Recorders

procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

Members shall not deliberately remove, dismantle or tamper with any hardware, video evidence, and/or the evidence management software component of the body worn camera.

Each department member is responsible for ensuring that their assigned body worn camera is uploaded during their shift as needed or if the devices memory reaches capacity. Members will minimally upload their assigned body worn camera at the end of every shift. Body worn cameras will not be taken home by department members without prior approval from an immediate supervisor.

Media captured via the body worn camera will be considered evidence and will only be uploaded to department approved secure storage. Members will comply with all sections in the Policy Manual regarding the handling of evidence. Media captured via the body worn camera are considered Department records of investigation and members will adhere to policies and procedures regarding department records.

450.4.1 SUPERVISOR RESPONSIBILITIES
Supervisors shall utilize their body worn camera and ensure that officers utilize their body worn cameras according to these policy guidelines.

Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death, Officer involved incident (as defined by the County protocol) or other serious incident, and ensure the data is uploaded as soon as possible. (Penal Code § 832.18).

Supervisors completing a Use of Force investigation where a body worn camera was used shall review the video as soon as possible and follow procedures set forth in policy manual section 300.7 (Supervisor Responsibility).

Supervisors may view body worn camera footage in an attempt to immediately address a citizen concern or Supervisory Referral as defined in policy manual section 1020.3.1. This does not circumvent the supervisor's responsibility to address citizen complaints as outlined in policy manual section 1020.

450.5 ACTIVATION OF THE PORTABLE RECORDER
This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.
Portable Audio/Video Recorders

The safety of department members and members of the public is the highest priority. The department recognizes there may be situations in which the operation of the portable recorder is impractical or may be an impediment to public safety and/or officer safety. The Department also recognizes human performance limitations occur during stressful situations. As such, department members should activate their body worn cameras while enroute, prior to arrival, to a situation or call for service. This will ensure the entire event is captured on the body worn camera.

Members will activate the portable recorder prior to initiating, or due to officer safety reasons, as soon as reasonably practical after initiating any of the following situations:

(a) All enforcement and investigative contacts including stops and field interview (FI) situations
(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
(c) Self-initiated activity involving investigative or enforcement contacts in which a member would normally notify County Communications
(d) Any other contact (including consensual contacts) that becomes adversarial after the initial contact in a situation that would not otherwise require recording
(e) Suspect statements, Witness/Victim Statements.
(f) Code 3 Driving and Vehicle Pursuits
(g) Service of search warrants, arrest warrants, probation and parole searches, post-release community supervision searches, mandatory supervision searches or consent searches.
(h) Parking enforcement contacts of any type (i.e. warning, citation, etc.).

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion.

The portable recorder should not generally be activated in the following situations:

(a) When a potential witness or victim requests to speak in confidentiality or requests not to be recorded, and the situation is not confrontational.
(b) During tactical briefings, or the discussion of safety and security procedures that occur away from the scene of an enforcement encounter or an investigation (i.e. at a command post or staging area).
(c) When entering a doctor's or lawyer's office
(d) When entering locker rooms or restrooms
(e) When participating in and or attending meetings which are purely administrative/disciplinary in nature (e.g., Student Code of Conduct).
Portable Audio/Video Recorders

(f) Any other place where individuals unrelated to the investigation are present and would have a heightened expectation of privacy.

(g) Strip Searches.

(h) Undercover or plain clothes officers, except when serving arrest or search warrants.

(i) While members are engaged in conversations with individuals with whom the officer is in a privileged relationship (i.e. spouse, attorney, peer counselor, labor representative, minister, etc.).

(j) When entering the Santa Clara County Jail main facility.

(k) Surveillance operations up until the point of any enforcement action.

Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

450.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER
Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

450.5.2 CESSATION OF RECORDING
Body worn camera recordings shall not be intentionally terminated until the conclusion of the encounter. This includes the time the department member is actively involved in the investigation, the care and custody of a prisoner, and the collection of evidence. Anytime the recording is deactivated prior to the completion of the encounter, the member will document the reason for the deactivation on the body worn camera recording before deactivation, or in the subsequent police report or CAD event.

Once activated, the portable recorder should remain on continuously until the member’s direct participation in the incident is complete or the situation no longer fits the criteria for activation. Members may mute the audio portion of the recording when it is reasonably necessary to discuss a confidential matter with another officer or supervisor in private. The video portion of the recording should remain on during the private discussion. The recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

Anytime a recording is muted, the member will verbally state their action (Example: “I am muting the audio...”) before switching off the device. Once the audio recording is re-activated, the member will verbally state their action (Example: “I am turning the audio back on...”)
**Portable Audio/Video Recorders**

**450.6 PROHIBITED USE OF PORTABLE RECORDERS**
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity. This includes using a recording device such as a phone camera or secondary video recorder to record body worn camera footage.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

**450.7 COORDINATOR**
The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for uploading, downloading, storing and security of recordings.
(b) Designating persons responsible for downloading recorded data.
(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
(d) Establishing a system for tagging and categorizing data according to the type of incident captured.
(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
(g) Maintaining logs of access and deletions of recordings.

**450.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS**
To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:
**Portable Audio/Video Recorders**

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone’s privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

**450.9 REVIEW OF RECORDINGS**

All viewing and sharing of body worn camera files are for law enforcement use only and subject to need to know, right to know basis. When preparing written reports, members should review their recordings, and the recordings of other officers, as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Members should review body worn camera files, including those of other members, in the following instances:

1. To complete a criminal investigation and prepare an accurate official report with the exception of Officer Involved Incidents (see policy manual section 310.9).

2. Reviewing body worn camera video protocol is different for Officer Involved Incidents as compared to other incidents or investigations. See policy manual section 310.9 for protocol on reviewing body worn camera files after an Officer Involved Incident.

3. Prior to courtroom testimony or courtroom presentations, or as preparation for department litigation.

4. For potential training purposes with approval of the Lieutenant.

5. For preparation for an Internal Affairs or Administrative interview, unless otherwise restricted by the Chief of Police.

6. Field Training Officers may use body worn camera files to provide immediate training to recruits and to assist in the completion of the Daily Observation Report (DOR).

7. For other reasons as specified and with the permission of the Chief of Police or designee.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:
Portable Audio/Video Recorders

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

(e) Nothing in these guidelines shall supersede the current Santa Clara County Body Worn Camera Protocol regarding the review or release of data, if the protocol is more restrictive than this policy.

(f) Recordings may be shown for the purposes of training value with the approval of the Lieutenant. See Recording Department Training section (450.11) below.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

450.10 RECORDING DEPARTMENT TRAINING

Video footage can be a valuable training tool for department members. However, it must be obtained appropriately and with the consent and knowledge of everyone who is part of or present at the training.

Body worn camera footage recorded in the scope of an officer's job performance (i.e. car stops, response to a call for service, etc.) can be shown as a training tool with the permission of the Lieutenant, and the involved department member(s). If an involved department member objects to the use of the body worn camera file for training, the Chief of Police or designee will determine if the training value outweighs the member's objection.

Department training will not be recorded using a Department issued body worn camera. Department training can be recorded using an alternate recording device and according to the following procedures:

1. Approval of the Chief of Police or designee is required prior to the audio or video recording of any department training.

2. No department training will be audio or video recorded without the express consent from all parties present at any time during the training. If department members involved in the training consent to the training being recorded, the express consent will be captured on the recording device at the start of the training session, or any time a new participant joins the training session.

3. Department training is defined as a specific training event that any department member is participating, organizing, instructing, observing, or evaluating.
Portable Audio/Video Recorders

4. The approval of the Chief of Police must be obtained prior to the release or showing of any video or audio recording of a department training event.

**450.11 DELETION OF ACCIDENTAL RECORDINGS**
In the event of an accidental activation of a portable recorder where the resulting recording has no official purpose and is of no investigative or evidentiary value, the recording employee may request that the portable recorder file be deleted by submitting an email request to the Sergeant or designee with sufficient information to locate the file. He/she shall either approve or deny the request and notify the employee via email of the outcome. If the request has been denied, the requesting employee may appeal the decision via the chain-of-command. The Chief of Police has the final decision. If approval to delete the file has been given, the file will be deleted within sixty days. The recording employee will be notified via email once the file has been deleted.

**450.12 RETENTION OF RECORDINGS**
Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incidents involving use of force by an officer
(b) Officer-involved shootings
(c) Incidents that lead to the detention or arrest of an individual
(d) Recordings relevant to a formal or informal complaint against an officer or the West Valley-Mission Community College District Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

**450.12.1 RELEASE OF AUDIO/VIDEO RECORDINGS**
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.
Foot Pursuits

458.1 PURPOSE AND SCOPE
This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

458.1.1 POLICY
It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

458.2 DECISION TO PURSUE
The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.
Foot Pursuits

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

458.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.
Foot Pursuits

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect’s location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer’s ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

458.4 RESPONSIBILITIES IN FOOT PURSUITS

458.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.
Foot Pursuits

458.4.2 ASSISTING OFFICER RESPONSIBILITIES
Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

458.4.3 SUPERVISOR RESPONSIBILITIES
Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

458.4.4 COUNTYCOMMUNICATIONS RESPONSIBILITIES
Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.
(b) Coordinating pursuit communications of the involved officers.
(c) Broadcasting pursuit updates as well as other pertinent information as necessary.
(d) Ensuring that a field supervisor is notified of the foot pursuit.
(e) Notifying and coordinating with other involved or affected agencies as practicable.
(f) Notifying the Watch Commander as soon as practicable.
(g) Assigning an incident number and logging all pursuit activities.

458.5 REPORTING REQUIREMENTS
The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Involved vehicles and officers.
(f) Whether a suspect was apprehended as well as the means and methods used.
Foot Pursuits

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

   (g) Arrestee information, if applicable.

   (h) Any injuries and/or medical treatment.

   (i) Any property or equipment damage.

   (j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

458.6
Homeless Persons

464.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The West Valley-Mission Community College District Police Department recognizes that members of the homeless community are often in need of special protection and services. The West Valley-Mission Community College District Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

464.1.1 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON
The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
   1. Proper posting of notices of trespass and clean-up operations.
   2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.
464.3 FIELD CONTACTS
Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

464.3.1 OTHER CONSIDERATIONS
Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

464.4 PERSONAL PROPERTY
The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a
Homeless Persons

supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

464.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT
Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

464.6 ECOLOGICAL ISSUES
Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.
Crisis Intervention Incidents

465.1 PURPOSE AND SCOPE
This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person’s mental state and intent in order to effectively and legally interact with the individual.

465.1.1 DEFINITIONS
Definitions related to this policy include:

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person’s internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

465.2 POLICY
The West Valley-Mission Community College District Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members’ interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

465.3 SIGNS
Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness
(b) Threats of or attempted suicide
(c) Loss of memory
(d) Incoherence, disorientation or slow response
(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
(g) Social withdrawal
(h) Manic or impulsive behavior, extreme agitation, lack of control
(i) Lack of fear
(j) Anxiety, aggression, rigidity, inflexibility or paranoia

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Crisis Intervention Incidents

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

465.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS
The Chief of Police should designate an appropriate supervisor to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

465.5 FIRST RESPONDERS
Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer’s authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETs) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person’s mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person’s actions or stated intentions.
Crisis Intervention Incidents

(k) If circumstances reasonably permit, consider and employ alternatives to force.

465.6 DE-ESCALATION
Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person’s name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person’s verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

465.7 INCIDENT ORIENTATION
When responding to an incident that may involve mental illness or a mental health crisis, the officer should when reasonable, request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.
(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

465.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:
Crisis Intervention Incidents

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

465.9 INCIDENT REPORTING
Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

465.9.1 DIVERSION
Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

465.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS
Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.
Crisis Intervention Incidents

465.11 EVALUATION
The supervisor designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

465.12 TRAINING
In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).
Public Recording of Law Enforcement Activity

467.1 PURPOSE AND SCOPE
This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

467.2 POLICY
The West Valley-Mission Community College District Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

467.3 RECORDING LAW ENFORCEMENT ACTIVITY
Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

467.4 OFFICER RESPONSE
Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or
behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

467.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.
(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

467.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
   1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
(c) The person consents.
   1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
   2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
Public Recording of Law Enforcement Activity

evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.
First Amendment Assemblies

468.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

468.2 POLICY
The West Valley-Mission Community College District Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

468.3 GENERAL CONSIDERATIONS
Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.
(b) Harass, confront or intimidate participants.
(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members’ interaction with participants and their response to crowd dynamics is appropriate.
First Amendment Assemblies

468.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS
Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

468.4 UNPLANNED EVENTS
When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to CountyCommunications, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

468.5 PLANNED EVENT PREPARATION
For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

468.5.1 INFORMATION GATHERING AND ASSESSMENT
In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
First Amendment Assemblies

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

468.5.2 OPERATIONAL PLANS
An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.
(b) Staffing and resource allocation.
(c) Management of criminal investigations.
(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
(e) Deployment of specialized resources.
(f) Event communications and interoperability in a multijurisdictional event.
(g) Liaison with demonstration leaders and external agencies.
(h) Liaison with District government and legal staff.
(i) Media relations.
(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
(k) Traffic management plans.
(l) First aid and emergency medical service provider availability.
(m) Prisoner transport and detention.
(n) Review of policies regarding public assemblies and use of force in crowd control.
(o) Parameters for declaring an unlawful assembly.
(p) Arrest protocol, including management of mass arrests.
(q) Protocol for recording information flow and decisions.
(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
(s) Protocol for handling complaints during the event.
First Amendment Assemblies

(t) Parameters for the use of body-worn cameras and other portable recording devices.

468.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

468.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS
If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

468.7 USE OF FORCE
Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants’ conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).
First Amendment Assemblies

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

468.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
   1. A violation of an imposed curfew.
   2. A verbal threat.
First Amendment Assemblies

3. Noncompliance with a law enforcement directive.

(k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

468.8.1 USE SUMMARY
The Patrol Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

468.9 ARRESTS
The West Valley-Mission Community College District Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.
(b) Dedicated arrest, booking and report writing teams.
(c) Timely access to medical care.
(d) Timely access to legal resources.
(e) Timely processing of arrestees.
(f) Full accountability for arrestees and evidence.
(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

468.10 MEDIA RELATIONS
The Administrative Lieutenant should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

468.10.1 MEDIA ACCESS
If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest,
First Amendment Assemblies

or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

468.11 DEMOBILIZATION
When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

468.12 POST EVENT
The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan
(b) Any incident logs
(c) Any assignment logs
(d) Vehicle, fuel, equipment and supply records
(e) Incident, arrest, use of force, injury and property damage reports
(f) Photographs, audio/video recordings, CountyCommunications records/tapes
(g) Media accounts (print and broadcast media)

468.12.1 AFTER-ACTION REPORTING
The Incident Commander should work with District legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event
(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
(c) Problems identified
(d) Significant events
(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

468.13 TRAINING
Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.
First Amendment Assemblies

468.14 ANTI-REPRODUCTIVE RIGHTS CALLS
Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).
Medical Aid and Response

471.1 PURPOSE AND SCOPE
This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

471.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

471.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact CountyCommunications and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide CountyCommunications with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.
(b) The nature of the incident.
(c) Any known scene hazards.
(d) Information on the person in need of EMS, such as:
   1. Signs and symptoms as observed by the member.
   2. Changes in apparent condition.
   3. Number of patients, sex, and age, if known.
   4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
   5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.
471.4 TRANSPORTING ILL AND INJURED PERSONS
Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

471.5 PERSONS REFUSING EMS CARE
If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

471.6 MEDICAL ATTENTION RELATED TO USE OF FORCE
Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

471.7 AIR AMBULANCE
Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.
Medical Aid and Response

The Patrol Division Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider’s minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider’s minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft’s tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.
- Ensure that no one smokes near the aircraft.

471.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

471.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.
Medical Aid and Response

Any member who uses an AED should contact CountyCommunications as soon as possible and request response by EMS.

471.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

471.8.3 AED TRAINING AND MAINTENANCE
The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

471.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

471.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Sergeant.

Any member who administers an opioid overdose medication should contact CountyCommunications as soon as possible and request response by EMS.

471.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Sergeant will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

471.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

471.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Training Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).
Medical Aid and Response

471.9.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT
Records regarding acquisition and disposition of opioid overdose medications shall be maintained and retained in accordance with the established records retention schedule and at a minimum of three years from the date the record was created (Business and Professions Code § 4119.9).

471.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS
The Patrol Division Commander may authorize the acquisition of epinephrine auto-injectors for use by Department members as provided by Health and Safety Code § 1797.197a. The Training Sergeant shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100019).

471.10.1 EPINEPHRINE USER RESPONSIBILITIES
Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact CountyCommunications as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

471.10.2 EPINEPHRINE AUTO-INJECTOR REPORTING
Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The Training Sergeant should ensure that the Records Manager is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

471.10.3 EPINEPHRINE AUTO-INJECTOR TRAINING
The Training Sergeant should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100019.

471.11 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.
Medical Aid and Response

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

471.12 FIRST AID TRAINING
The Training Sergeant should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).
Opiate Overdoes and Treatment

472.1 PURPOSE
The purpose of this policy is to establish guidelines for the utilization of nasal Naloxone Hydrochloride for proper pre-hospital administration. This program is designed to aid in reducing fatalities, which occur as a result of opiate overdose. Similar to Automated External Defibrillators, the program is intended to provide first responders with another tool that may potentially save lives.

472.2 LEGAL PREMISES FOR IMPLEMENTATION
California law permits the administration of nasal Naloxone by pre-hospital emergency medical care personnel, which include peace officers. The medical director of a local EMS agency may, pursuant to H&S § 1797.221, approve or conduct a trial study of the use and administration of naloxone hydrochloride or other opioid antagonists by any level of pre-hospital emergency medical care personnel. Existing law also allows for the dispensing of Naloxone by a pharmacist over the counter. (AB:1535, SB:1438, H&S § 1797.189 paragraph (2) of subdivision (a)).

472.3 POLICY
Whenever a trained member of this department reasonably believes that an individual is likely suffering from an opiate overdose, the member is authorized to administer Naloxone consistent with department policies and the Santa Clara County Emergency Services Agency (EMSA). Department members should refer to Department General Guidelines for Opiate Overdoses and Treatment. See attachment: WVMD narcan guidelines 8-17.pdf

472.4 DEFINITIONS
(a) Opiate – An opiate is any controlled substance containing or compounded to be a derivative of morphine or morphine sulfate. The term opiate describes any of the narcotic opioid alkaloids found as natural products in the opium poppy plant, Papaver somniferum. Commonly encountered opiates in police service include heroin, fentanyl, morphine, oxycodone, percocet, and percodan.

(b) Naloxone - Naloxone is an opioid antagonist drug. Naloxone is used to counter the effects of opiate overdose (example: Heroin or morphine overdose). Naloxone is specifically used to counteract life threatening depression of the central nervous system and respiratory system. It is marketed under various trademarks including Narcan, Nalone, and Narcanti, and has sometimes been mistakenly called "Naltrexate." In is not to be confused with Naltrexone, an opioid receptor treatment rather than an emergency overdose treatment.

(a) A.Naloxone:Naloxoneisanopioidantagonistdrug.Naloxoneisadrug usedtocountertheeffectsofopiateoverdose.forexample heroin orormorphineoverdose.Naloxoneisspecificallyusedtocounteractlife threateningdepressionofthecentralnervoussystemandrespiratory system. It is marketed under various trademarks including NARCAN,
Opiate Overdoes and Treatment

Naloxone, and Narcanti, and has sometimes been mistakenly called "naltrexate". It is not to be confused with naltrexone, an opioid receptor antagonist with qualitatively different effects, used for dependence treatment rather than emergency overdose treatment.

472.5 TRAINING

Officers of the West Valley-Mission CCD Police Department will receive initial training that includes, but is not limited to the following:

(a) An overview of the law allowing law enforcement officers to administer Naloxone
(b) Causes of opiate overdoses
(c) Victim assessment (e.g., signs/symptoms of overdose)
(d) Personal Protective Equipment (PPE)
(e) AED/CPR priority over Naloxone administration
(f) Rescue breathing/bag mask valve (BVM) operation
(g) Notification of appropriate medical services
(h) Proper administration of intranasal Naloxone including hands-on training with delivery device
(i) Post administration reaction and duration of Naloxone administration
(j) Necessity of EMS transportation to a hospital
(k) Continuing education for Naloxone administration as necessary or required by regulations
Chapter 5 - Traffic Operations
Vehicle Towing and Release

510.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the West Valley-Mission Community College District Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS
When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator and the original shall be submitted to the Records Section as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in CountyCommunications.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the District of WestValley-MissionC.C.District. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).
Vehicle Towing and Release

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS
Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver’s license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver’s license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver’s license and current vehicle registration.

510.2.5 DRIVING A NON-DISTRICT VEHICLE
Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER’S RESPONSIBILITIES
Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.
Vehicle Towing and Release

510.2.7 RECORDS SECTION RESPONSIBILITY
Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Section to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.
(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
(c) The authority and purpose for the removal of the vehicle.
(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

510.3 TOWING SERVICES
The District of West Valley-Mission C.C. District periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
(b) When a vehicle is being held as evidence in connection with an investigation.
(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

510.4 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 SECURITY OF VEHICLES AND PROPERTY
Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a
Vehicle Towing and Release

driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

510.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver’s license or acquires a license and provides proof of proper insurance.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Impaired Driving

514.1 PURPOSE AND SCOPE
This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY
The West Valley-Mission Community College District Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

514.2.1 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 at the Department or other location, the withdrawal of the blood sample shall be witnessed by the assigned officer.

When a person 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 (Vehicle Code § 23612(b) and (c)).

All blood samples shall be booked into evidence for later transfer to the crime laboratory for analysis.

514.2.2 COLLECTING BREATH AS EVIDENCE
If the arrested person chooses a breath test and it can be accomplished without undue delay, the arrested person shall first be transported to the jail for breath testing preparatory to booking. At the jail, an officer trained in the use of the alcohol breath machine will record the blood alcohol level by obtaining samples of the person's breath.

When the arrested person chooses a breath test the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

514.2.3 COLLECTING URINE AS EVIDENCE
If the arrested person chooses a urine test, as permitted by law, he/she shall be promptly transported to the jail. Urine evidence collection kits are maintained in the jail. The officer shall follow the directions listed on the instruction sheet accompanying the urine evidence collection kit. If the arrested person's urine is necessarily collected elsewhere, the procedure will remain the same.

Urine samples shall be collected and/or witnessed by an officer or matron of the same gender as the person giving the sample. The person tested shall be given such privacy in the taking of the
Impaired Driving

urine specimen as will ensure the accuracy of the specimen and, at the same time, maintain the dignity of the individual involved (Vehicle Code § 23158(i)).

The urine evidence collection kit shall be marked with the arrestee’s name, offense, department, case number and the name of the witnessing officer. The urine evidence collection kit shall then be placed in the evidence refrigerator to await transportation to the crime laboratory.

514.2.4 TESTING OF CONSCIOUS PERSON AT A HOSPITAL
Most blood, breath and urine tests will be administered at the jail. However, if a timely breath or urine test cannot be administered because the person is transported to a medical facility where such tests cannot be facilitated, the person shall be advised that a blood test will be the only choice available and a blood sample may be taken at the medical facility (Vehicle Code § 23612(a)(3)).

Based on probable cause, the officer should place the conscious person under arrest in the presence of a witnessing officer or medical personnel and advise the attending physician of the intention to collect a sample of the person’s blood. Unless the attending physician objects for medical reasons a blood sample will be collected in the prescribed manner.

514.2.5 TESTING OF UNCONSCIOUS PERSON AT A HOSPITAL
When a person is suspected of driving under the influence of alcohol and/or drugs and the person is unconscious or in a condition rendering him or her incapable of refusal, that person is deemed not to have withdrawn his or her consent and a blood test may be ordered by the arresting officer. The officer shall advise the attending physician of the intention to collect a sample of the person's blood as evidence. If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner.

A person who is dead is deemed not to have withdrawn his or her consent and a test or tests may be administered. In such cases the handling officer should coordinate with the Coroner’s Office to ensure that a viable test will be obtained (Vehicle Code § 23612(a)(5)).

514.2.6 EXIGENT CIRCUMSTANCES DOCTRINE
Under the exigent circumstances doctrine, the level of influence of an intoxicant can be important evidence. Since it is not of a permanent nature, it will be lost if not seized immediately. The above sections will generally come within the guidelines of the exigent circumstances doctrine.

514.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.
### Impaired Driving

(b) The officer’s observations that indicate impairment on the part of the individual, and the officer’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.

(e) The location and time frame of the individual’s vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

514.4 FIELD TESTS
The Lieutenant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS
A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person’s blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 STATUTORY NOTIFICATIONS
Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.5.2 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs,
Impaired Driving

or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.5.3 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.5.4 CHOICE OF TESTS
Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.5 BREATH SAMPLES
The Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Lieutenant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).
Impaired Driving

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer’s belief shall be included in the officer’s report (Vehicle Code § 23612(a)(2)(C)).

514.5.6 BLOOD SAMPLES
Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.7 URINE SAMPLES
If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee’s dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

514.6 REFUSALS
When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).
(b) Audio- and/or video-record the admonishment when it is practicable.
(c) Document the refusal in the appropriate report.

514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).
Impaired Driving

514.6.2 BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).
(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.3 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
(c) Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
   1. This dialogue should be recorded on audio and/or video if practicable.
(d) Ensure that the blood sample is taken in a medically approved manner.
(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.
(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
   1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
   2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
   3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.7 ARREST AND INVESTIGATION
Impaired Driving

514.7.1 WARRANTLESS ARREST
In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic crash.
(b) The person is observed in or about a vehicle that is obstructing the roadway.
(c) The person will not be apprehended unless immediately arrested.
(d) The person may cause injury to themselves or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.7.2 OFFICER RESPONSIBILITIES
The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver’s license to the Department of Motor Vehicles (DMV).
(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

514.8 RECORDS SECTION RESPONSIBILITIES
The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

514.9 ADMINISTRATIVE HEARINGS
The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.10 TRAINING
The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney’s office and update training topics as needed.
Chapter 6 - Investigation Operations
Investigation and Prosecution

600.1 PURPOSE AND SCOPE
The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS
Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practicable.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the department case file.

600.3 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS
When practicable, the employee composing and the employee presenting the photo lineup should not be directly involved in the investigation of the case. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way. Photographic line-ups should follow the Santa Clara County Protocol.

The following precautions should be taken by any employee presenting a photographic lineup:

(a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.

(b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.

(c) The employee presenting the photographs to a witness should not know which photograph depicts the suspect.

(d) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

(e) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.

(f) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be
Investigation and Prosecution

instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

(g) An admonishment should be given to each witness that the suspect’s photograph may or may not be among those in the lineup and that the witness is not required to make an identification.

The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the appropriate report.

600.3.1 PHOTO IDENTIFICATION FORM

The Investigation supervisor shall be responsible for the development and maintenance of a photographic lineup identification form consistent with this policy.

The form, at minimum, shall contain the following:

- The date, time and location of the lineup procedure
- The name and identifying information of the witness
- The name of the investigator administering the lineup procedure
- The names of all of the individuals present during the lineup
- An admonishment that the suspect's photograph may or may not be among those in the lineup and that the witness is not required to make an identification
- A signature line where the witness acknowledges that he/she understands the lineup procedures and instructions

The photo identification form should be reviewed at least annually and modified when necessary.

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.

2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
Investigation and Prosecution

3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.

4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

5. Collect any evidence.

6. Take any appropriate law enforcement action.

7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 NON-SWORN MEMBER RESPONSIBILITIES
A non-sworn member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.5 CUSTODIAL INTERROGATION REQUIREMENTS
Suspects who are in custody and subjected to an interrogation shall be given the Miranda warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.5.1 MANDATORY RECORDING OF ADULTS
Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
Investigation and Prosecution

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.6 DISCONTINUATION OF INVESTIGATIONS
The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
   1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
   2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.
Investigation and Prosecution

600.7 COMPUTERS AND DIGITAL EVIDENCE
The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES
Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.8.1 ACCESS RESTRICTIONS
Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.
600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY
The Investigation Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

600.10 MODIFICATION OF CHARGES FILED
Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of the Police Lieutenant or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.
Investigation and Prosecution

600.11  USE OF CERTAIN DNA SAMPLES
Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

600.12  ANTI-REPRODUCTIVE RIGHTS CRIMES
A member should take a report any time a person living within the jurisdiction of the West Valley-Mission Community College District Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

(a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the [city/county] to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Investigations supervisor should provide the Records Manager with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Section Policy for additional guidance.
Sexual Assault Investigations

602.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

602.1.1 DEFINITIONS
Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

602.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS
Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
(b) Conduct follow-up interviews and investigation.
(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
(e) Provide referrals to therapy services, victim advocates and support for the victim.
(f) Participate in or coordinate with SART.
Sexual Assault Investigations

602.4 REPORTING
In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC
In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

602.6 TRAINING
Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:
   1. Initial response to sexual assaults.
   2. Legal issues.
   3. Victim advocacy.
   4. Victim’s response to trauma.
   5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
   1. Interviewing sexual assault victims.
   2. SART.
   3. Medical and legal aspects of sexual assault investigations.
   4. Serial crimes investigations.
   5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
   6. Techniques for communicating with victims to minimize trauma.

602.7 VICTIM INTERVIEWS
The primary considerations in sexual assault investigations, which begin with the initial call to CountyCommunications, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic
Sexual Assault Investigations

Examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

602.7.1 VICTIM RIGHTS
Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

602.7.2 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE
Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.
Sexual Assault Investigations

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

602.8.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

602.8.2 DNA TEST RESULTS
A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available
Sexual Assault Investigations

information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.

4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

602.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).
Sexual Assault Investigations

602.8.4 COLLECTION OF DNA REFERENCE SAMPLES
Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

602.9 DISPOSITION OF CASES
If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations supervisor.

Classification of a sexual assault case as unfounded requires the Investigations supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

602.10 CASE REVIEW
The Investigations supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.
Sex Offender Registration

610.1 PURPOSE AND SCOPE
The purpose of this policy is to clearly establish roles and responsibilities of department personnel in the registration of sex offenders, and to ensure that the agency establishes and maintains a clear process to facilitate compliance with registration requirements.

610.2 POLICY
It will be the responsibility of the Police Lieutenant to ensure the following:

(a) All assigned employees receive appropriate training regarding the sex offender registration process.

(b) As part of the registration process, sex offenders have direct contact with the investigator, when available, to facilitate a proper threat assessment.

(c) A system is established and maintained that will reasonably accommodate registrants as they seek to register. The system should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance.

(d) An information dissemination process is established and maintained to provide patrol and other appropriate personnel with timely updates regarding new registrants or registrants who have relocated.

(e) A process is established and maintained to legally verify that a registrant remains in compliance with his/her registration requirements after the initial registration.

(f) A process is established and maintained to provide disclosure of legally mandated information to the campus community as required by the Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act ("Wetterling Act"), and the Campus Sex Crimes Prevention Act (CSCPA).
Operations Planning and Deconfliction

612.1 PURPOSE AND SCOPE
This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

612.1.1 DEFINITIONS
Definitions related to this policy include:

High-risk operations - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

612.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to properly plan and carry out high-risk operations, with the appropriate outside-agency support and assistance (whenever reasonably possible), including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

612.3 OPERATIONS DIRECTOR
The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

612.4 RISK ASSESSMENT

612.4.1 RISK ASSESSMENT FORM PREPARATION
Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:
(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

612.4.2 RISK ASSESSMENT REVIEW
Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

612.4.3 HIGH-RISK OPERATIONS
If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
Operations Planning and Deconfliction

8. Canines

9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures

10. Forensic specialists

11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

612.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

612.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives, and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)

2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,
Operations Planning and Deconfliction

availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids.

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children.

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing, and approving reports.

612.6.1 OPERATIONS PLAN RETENTION
Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

612.7 OPERATIONS BRIEFING
A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.
Operations Planning and Deconfliction

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants’ understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.
   1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.
   1. It is the responsibility of the operations director to ensure that CountyCommunications is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
   2. If the radio channel needs to be monitored by CountyCommunications, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
   3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

612.8 SWAT PARTICIPATION
If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

612.9 MEDIA ACCESS
No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

612.10 OPERATIONS DEBRIEFING
High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

612.11 TRAINING
The Training Sergeant should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to,
Operations Planning and Deconfliction

topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.
Eyewitness Identification

613.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

613.1.1 DEFINITIONS
Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

613.2 POLICY
The West Valley-Mission Community College District Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

613.3 INTERPRETIVE SERVICES
Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

613.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.
(b) The name and identifying information of the witness.
Eyewitness Identification

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness’s own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

613.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

613.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.
Eyewitness Identification

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

613.6.1 DOCUMENTATION RELATED TO RECORDINGS
The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

613.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION
If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

613.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

613.7.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness’ identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

613.8 FIELD IDENTIFICATION CONSIDERATIONS
Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be
Eyewitness Identification

used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.
(b) Assess whether a witness should be included in a field identification process by considering:
   1. The length of time the witness observed the suspect.
   2. The distance between the witness and the suspect.
   3. Whether the witness could view the suspect’s face.
   4. The quality of the lighting when the suspect was observed by the witness.
   5. Whether there were distracting noises or activity during the observation.
   6. Any other circumstances affecting the witness’s opportunity to observe the suspect.
   7. The length of time that has elapsed since the witness observed the suspect.
(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
(e) The person who is the subject of the show-up should not be shown to the same witness more than once.
(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.
Chapter 7 - Equipment
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any Department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form which is available through District General Services. After completion, the form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The appropriate supervisor shall direct a memo to the Chief of Police, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.
Department Owned and Personal Property

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to General Services.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

Following the verbal report, a memo shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the District, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the Administrative Lieutenant.
Vehicle Maintenance

704.1 PURPOSE AND SCOPE
Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES-SAFETY ISSUES
When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, it shall be removed from service for repair. The first employee who becomes aware of the issue(s) shall promptly document the defective condition, and if known, describe the correction needed. The paperwork shall be promptly forwarded to the vehicle liaison officer and vehicle maintenance for repair. An employee who becomes aware of a vehicle in this condition will perform the following procedure.

- Return the vehicle to the corporation yard (tow if necessary) as soon as possible
- Place an 'Out-of-Service' sign on the dash of the vehicle
- Place the vehicle 'Out-of-Service' on the vehicle information board. At the bottom of the board under 'Details' write down the date, vehicle number, and problem
- Send an email to the vehicle liaison officer, the appropriate supervisor, and vehicle maintenance, detailing the issues(s)

704.2.1 VEHICLE CONDITIONS - NOT AFFECTING SAFETY
When a Department vehicle is in need of repair and or modification which does not affect the operational safety of the vehicle, those issues shall be brought to the attention of the vehicle liaison officer as soon as practical. Vehicles in this condition will not be taken out-of-service except when it is actually being repaired. An employee who becomes aware of this condition will perform the following procedure.

- Send an email to the vehicle liaison officer, appropriate supervisor, and vehicle mechanic detailing the concern

704.2.2 VEHICLE LIAISON AND VEHICLE MECHANIC
The vehicle liaison is a line-officer who has been assigned the responsibility of overseeing the readiness of the police vehicle fleet. The vehicle liaison is not responsible for parking services vehicles. The parking and traffic supervisor, or designee, will address vehicle safety and other conditions related to the parking services vehicles. Vehicle liaison is a collateral responsibility to all other regular duties.

The vehicle mechanic is not a Department employee; however, they are responsible for evaluating and repairing all police vehicles. The vehicle mechanic has the authority to immediately remove a vehicle from service when a vehicle safety issue arises. The mechanic may also remove a vehicle from use when is it in need of routine service or repair with prior notice to the Department.
Vehicle Maintenance

The vehicle liaison will perform the following activities.

• Monitor the condition and status of the patrol vehicle fleet
• Coordinate routine service and repairs with the District mechanic as well as work performed by outside vendors
• Facilitate communication by and between Department members, the District mechanic, or outside vendors regarding the status of patrol vehicles

704.2.3 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.4 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.5 REMOVAL OF WEAPONS
All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES
Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the required equipment is present and in serviceable condition. If the equipment is not present, the officer shall make a reasonable attempt to replace and or re-supply the equipment. The officer shall also notify the vehicle liaison officer by email about any deficiencies. Officers shall ensure the following equipment, at a minimum, is present in the vehicle before going on patrol:

• Full-sized spare tire and jack
• 20 Emergency road flares
• 5 traffic cones
• 2 Sticks yellow crayon or chalk
• 1 roll of Crime Scene barricade tape, 1 roll of Caution barricade tape, 2 rolls of 1” multi-colored barrier tape
• 1 roll-a-tape
• 1 fifty-foot steel tape
Vehicle Maintenance

- 1 fifty-foot cord
- 1 Med Bag with complete contents (first-aid, protective gloves, O2 tank, blanket, sharps shuttle, etc.)
- 1 Hazardous waste disposal bag
- 1 Hazardous Materials Emergency Response Handbook
- 2 Evidence collection kits (fingerprint kit, GSR, DNA, ....)
- 1 Department forms box with forms

704.3.2 UNMARKED VEHICLES
An employee driving unmarked Department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 4 Power Flares
- 5 traffic cones
- 1 Roll Crime Scene barricade tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, Incl. protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Police identification vest
- 1 Hazardous Materials Emergency Response Handbook
- Evidence collection materials

704.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than than two-quarters of a tank of fuel. Vehicles shall only be refueled at authorized locations. If the designated fueling station is unavailable, officers should use the Department authorized credit card to fuel vehicles.

In general:
Day shift officers should fuel the patrol vehicle toward the end of their shift
Late day-shift should fuel the patrol vehicle toward the end of their shift
Early swing-shift should fuel the patrol vehicle toward the end of their shift
Late swing-shift, whenever possible, should fuel the patrol vehicle during their shift
Vehicle Maintenance

704.5 WASHING OF VEHICLES
All units shall be kept reasonably clean, and weather conditions permitting, shall be washed no more than once per week at an approved car wash to enhance their appearance.

Officers in patrol shall make appropriate notifications before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 NON-SWORN EMPLOYEE USE/MARKED PATROL VEHICLES
Non-sworn employees using marked vehicles shall ensure all weapons have been removed from vehicles before going into service. Non-sworn employees shall also prominently display the Out-of-Service placards. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Military Equipment

709.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

709.1.1 DEFINITIONS
Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.
Military Equipment

709.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

709.3 MILITARY EQUIPMENT COORDINATOR
The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.
(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
(c) Conducting an inventory of all military equipment at least annually.
(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of West Valley-Mission Community College District Police Department (Government Code § 7071).
(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
   1. Publicizing the details of the meeting.
   2. Preparing for public questions regarding the department’s funding, acquisition, and use of equipment.
(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

709.4 MILITARY EQUIPMENT INVENTORY
The following constitutes a list of qualifying equipment for the Department:

[Insert attachment here]

709.5 APPROVAL
The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):
Military Equipment

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

709.6 COORDINATION WITH OTHER JURISDICTIONS
Military equipment should not be used by any member in this jurisdiction unless the military equipment is approved for use in accordance with this policy. Military equipment used by other law enforcement agencies that are providing mutual aid to this jurisdiction or otherwise engaged in law enforcement operations within this jurisdiction shall comply with their respective military equipment policies.

709.7 ANNUAL REPORT
Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

709.8 COMMUNITY ENGAGEMENT
Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

709.9 ATTACHMENTS
See attachment: Policy 709_Approved Equipment Category List_7.21.22.pdf
Chapter 8 - Support Services
Property and Evidence

800.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

800.2 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.

800.3 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 necessary property form (See associated Operational Guidelines). 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 (PR-1) must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

800.3.1 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.
Property and Evidence

(d) Place the case number in the upper right hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

800.3.2 NARCOTICS AND DANGEROUS DRUGS
All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and detectives. The remaining copy will be detached and submitted with the case report.

800.3.3 EXPLOSIVES
Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

800.3.4 EXCEPTIONAL HANDLING
Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.

(d) All cash shall be counted in the presence of a supervisor, or in absence of a supervisor another employee and the envelope initialed by the booking officer and the supervisor/employee. The Watch Commander shall be contacted for cash in excess of $1,000 for special handling procedures.
**Property and Evidence**

District property, unless connected to a known criminal case, should be released directly to the appropriate District department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

800.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs
(b) Firearms (ensure they are unloaded and booked separately from ammunition)
(c) Property with more than one known owner
(d) Paraphernalia as described in Health and Safety Code § 11364
(e) Fireworks
(f) Contraband

800.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

800.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

800.5 RECORDING 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 control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.
**Property and Evidence**

Any changes in the location of property held by the West Valley-Mission Community College District Police Department shall be noted in the property logbook.

### 800.6 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

#### 800.6.1 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 evidence. 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.

#### 800.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time on the 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.

#### 800.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Property 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 control card, indicating date, time, and the person who returned the property.

#### 800.6.4 AUTHORITY TO RELEASE PROPERTY

The Investigations shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.
800.6.5 RELEASE OF PROPERTY
All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property 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 control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

800.6.6 DISPUTED CLAIMS TO PROPERTY
Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.
Property and Evidence

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)).

800.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The Investigations will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

800.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS
Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

800.6.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the West Valley-Mission Community College District Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

800.6.10 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS
Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person
Property and Evidence

presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

800.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION
The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

800.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

800.7.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)
Property and Evidence

800.7.2 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

800.7.3 RETENTION OF BIOLOGICAL EVIDENCE
The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant’s attorney
(c) The appropriate prosecutor and Attorney General
(d) Any sexual assault victim
(e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to its destruction.
days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

### 800.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.
Records Section

802.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the West Valley-Mission Community College District Police Department Records Section. The policy addresses department file access and internal requests for case reports.

802.1.1 DEFINITIONS
Records Manager - For the purpose of this policy, the department's Administrative Specialist is the "Records Manager / Custodian of Records" and has responsibility for the Records Section.

802.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to maintain department records securely, professionally, and efficiently.

802.3 RESPONSIBILITIES

802.3.1 RECORDS MANAGER
The Chief of Police shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Chief of Police and/or Lieutenant, or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Section.
(b) Scheduling and maintaining Records Section time records.
(c) Supervising, training, and evaluating Records Section staff.
(d) Maintaining and updating a Records Section procedure manual.
(e) Insuring compliance with established policies and procedures.
(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
   (a) Homicides.
   (b) Cases involving department members or public officials.
   (c) Any case where restricted access is prudent.

802.3.2 RECORDS SECTION
The responsibilities of the Records Section include but are not limited to:

(a) Maintaining a records management system for case reports.
Records Section

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

   (b) Entering case report information into the records management system.

   1. Modification of case reports shall only be made when authorized by a supervisor.

   (c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

   (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

      1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).

      2. Suspected hate crimes (Penal Code § 13023).

      3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).

      4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).

      5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.

         (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).

   (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

   (f) Identifying missing case reports and notifying the responsible member’s supervisor.

   (g) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

   (h) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished pursuant to a court order, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

   (i) Maintaining compliance with the state and DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

   (j) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

802.3.3 RECORDS SECTION PROCEDURE MANUAL

The Records Manager should establish procedures that address:
Records Section

(a) Identifying by name persons in reports.
(b) Classifying reports by type of incident or crime.
(c) Tracking reports through the approval process.
(d) Tracking reports through the case status process.
(e) Assigning alpha-numerical records to all arrest records.
(f) Managing a warrant and wanted persons file.

802.4 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the West Valley-Mission Community College District Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Lieutenant. The Lieutenant should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Lieutenant should forward the petition to the Investigations Supervisor and the District Legal for review. After such review and consultation with the District Legal, the Investigations Supervisor and the Lieutenant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Lieutenant shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Lieutenant should respond to a petition with the Department’s decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

802.5 FILE ACCESS AND SECURITY
The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section, accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

802.6 ORIGINAL CASE REPORTS
Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Manager. All original case reports removed from the Records
Records Section

Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

802.7 CONFIDENTIALITY
Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.

802.8 ARREST WITHOUT FILING OF ACCUSATORY PLEADING
The Lieutenant should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.
(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
(c) The California DOJ is notified.
Records Maintenance and Release

806.1 PURPOSE AND SCOPE
This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

806.2 POLICY
The West Valley-Mission Community College District Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

806.3 CUSTODIAN OF RECORDS RESPONSIBILITIES
The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the Department must keep records.
   2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in
806.3.1 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve personal privacy shall
not be made public (Government Code § 3303(e)) unless approved by the Chief of Police or as
required by law.

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.) however, certain disciplinary, use of force and critical
incident related records shall be released in accordance with section 832.7 of the Penal Code and
Section 6254 of the Government Code.

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)).

806.4 PROCESSING REQUESTS FOR PUBLIC RECORDS
Any department member who receives a request for any record shall route the request to the
Custodian of Records or the authorized designee.

806.4.1 REQUESTS FOR RECORDS
Any member of the public, including the media and elected officials, may access unrestricted
records of this department, during regular business hours by submitting a written and signed
request that reasonably describes each record sought and paying any associated fees
(Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code §
7922.530; Government Code § 7922.535):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to
show proof of legal presence in the United States to obtain department records or
information. If identification is required, a current driver's license or identification card
issued by any state in the United States, a current passport issued by the United States
or a foreign government with which the United States has a diplomatic relationship or
current Matricula Consular card is acceptable (Government Code § 7923.655).

(c) Either the requested record or the reason for non-disclosure will be provided promptly,
but no later than 10 days from the date of request, unless unusual circumstances
preclude doing so. If more time is needed, an extension of up to 14 additional days may
be authorized by the Custodian of Records or the authorized designee. If an extension
is authorized, the Department shall provide the requester written notice that includes
the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the
Custodian of Records shall assist the requester in making the request focused
Records Maintenance and Release

and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 7922.200).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
Records Maintenance and Release

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the [District/County Attorney], the District Legal, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
Records Maintenance and Release

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).

(o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

806.6 SUBPOENAS AND DISCOVERY REQUESTS
Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, District Legal or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.
806.7 RELEASED RECORDS TO BE MARKED
Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

806.8 SEALED RECORD ORDERS
Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Manager shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

806.8.1 SEALED JUVENILE ARREST RECORDS
Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Manager should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

806.9 SECURITY BREACHES
The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

(a) Social Security number

1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
Records Maintenance and Release

2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account

3. Medical information

4. Health insurance information

5. Information or data collected by Automated License Plate Reader (ALPR) technology

6. Unique biometric data

7. Genetic data

(b) A username or email address, in combination with a password or security question and answer that permits access to an online account

806.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.

2. Name and contact information for the West Valley-Mission Community College District Police Department.

3. A list of the types of personal information that were or are reasonably believed to have been acquired.

4. The estimated date or date range within which the security breach occurred.

5. Whether the notification was delayed as a result of a law enforcement investigation.

6. A general description of the security breach.

7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the West Valley-Mission Community College District Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account.
Records Maintenance and Release

account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.

2. When the breach involves an email address that was furnished by the West Valley-Mission Community College District Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

806.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.

2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.

3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
   (a) Email notice when the Department has an email address for the subject person.
   (b) Conspicuous posting of the notice on the department’s webpage for a minimum of 30 days.

4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

806.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.
Records Maintenance and Release

806.10.1 DELAY OF RELEASE
Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

806.10.2 NOTICE OF DELAY OF RELEASE
When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(b) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

806.10.3 REDACTION
If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).
Records Maintenance and Release

806.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE
If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the person's authorized representative.
(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).
Protected Information

808.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the West Valley-Mission Community College District Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

808.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the West Valley-Mission Community College District Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

808.2 POLICY
Members of the West Valley-Mission Community College District Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

808.3 RESPONSIBILITIES
The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records, California Law Enforcement Telecommunications System (CLETS) and Criminal Justice Information Control (CJIC).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.
(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

808.4 PHYSICAL PROTECTION
The West Valley-Mission Community College District Police Department has the following policies for the protection of information.

• Access control (badge access, key pads,
• Information Handling Protection and Destruction
• Encryption
• Password
• Physical and Environmental Security Privacy - Personal Information
• Securing Visible Sensitive and Confidential Information
• The principle of least level of privilege is implemented for police department personnel.

(Example: each employee that is granted access is assigned the most restrictive set of privileges needed for the performance of authorized tasks.

The police department building is equipped with badge access controls and has 24/7 camera surveillance. CLETS Terminal computers and are keep secured and protected at all times.

808.5 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, West Valley-Mission Community College District Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access. No employee or volunteer who has a felony conviction shall have physical access to or view criminal history information.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

808.5.1 PENALTIES FOR MISUSE OF RECORDS
It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).
808.5.2 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 Manager
(c) Full-time employees of the Records Section
(d) Personnel specifically designated in writing by the Lieutenant with the concurrence of the Criminal Records Security Officer/Records Manager

808.5.3 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 unsecured 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, an armed suspect or other serious threat to persons; 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.

808.6 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION
Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

808.6.1 REVIEW OF CRIMINAL OFFENDER RECORD
Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).
Protected Information

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

808.6.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual’s combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

808.7 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.
(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

808.7.1 SECURITY PATCHES, HOT FIXES, SERVICE PACKS, UPDATED, PATCHES

- Regular maintenance: at a minimum, weekly antivirus scans of computer equipment
- Timely updates of all maintenance patches, configurations, or applications. Appropriate risk assessment procedures shall be in place in instances due to patch failure or system compatibility.
Protected Information

- Testing must be conducted prior to implementation of all application, system patches, service pack updates, or hot fixes.
- Back-ups must be performed in a secure manner.

808.7.2 MEMBER RESPONSIBILITIES
Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

808.8 TRAINING
All members authorized to access or release protected information shall complete a training program via CA nextest online system on a biannual basis that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination. As of November 1, 2021 any new sworn or civilian hire shall complete an initial training via CA nextest online system within their first 6 months of employment.

808.8.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Section, West Valley patrol office and in the Mission patrol/supervisors office to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

808.8.2 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 and noting this action in the CORI Log.

808.8.3 CUSTODIAN OF CRIMINAL RECORDS
The Records Manager, unless otherwise directed by the Division Commander, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Lieutenant may appoint other Department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.
The Lieutenant will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

**808.9 TRAINING PROGRAM**

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Agency CLETS Coordinator (ACC) shall coordinate the course to provide training in the proper use, control, and dissemination of CORI. As of November 1, 2021 Initial training shall be within the first six months of employment via the California nextest online system for all sworn and civilian personnel.

**808.10 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.

Each suspected incident of unauthorized or improper use of CLETS equipment or criminal justice information, or of failure to take physical security measures to protect CLETS equipment and information, will be investigated as prescribed by Penal Code (PC) section 502 prescribes the penalties relating to computer crimes. PC sections 11105 and 13300 identify who has access to state and local summary criminal history information and under which circumstances it may be released. PC sections 11141-11143 and 13302-13304 prescribe penalties for misuse of state and local summary criminal history information. Government Code section 6200 prescribes the felony penalties for misuse of public records and information from the CLETS. California Vehicle Code section 1808.45 prescribes the penalties relating to misuse of the Department of Motor Vehicle record information.

Violations will result in disciplinary action which may include the employee's loss of use or limitations on use of equipment, disciplinary or adverse actions, criminal penalties, and/or financial liability for the cost of improper use.

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 §340.5.6(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 §340.5.6(a).
808.11 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).
Chapter 10 - Personnel
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the West Valley-Mission Community College District Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the West Valley-Mission Community College District Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

1000.3 SELECTION PROCESS
The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).

2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites.
Recruitment and Selection

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.3.1 VETERAN’S PREFERENCE
Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran’s preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.4 BACKGROUND INVESTIGATION
Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate’s unsuitability to perform duties relevant to the operation of the West Valley-Mission Community College District Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

1000.4.1 NOTICES
Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.4.2 STATE NOTICES
If information disclosed in a candidate’s criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.4.3 REVIEW OF SOCIAL MEDIA SITES
Due to the potential for accessing unsubstantiated, private, or protected information, the department shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The department should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.
Recruitment and Selection

(b) Material and information to be considered are verified, accurate, and validated.
(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, a supervisor should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.4.4 DOCUMENTING AND REPORTING
The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall reference the Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administration Division Commander for final review and submission to POST (11 CCR 1953).

1000.4.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained for a minimum of four years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

1000.4.6 BACKGROUND INVESTIGATION UPDATE
A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the West Valley-Mission Community College District Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.4.7 INVESTIGATOR TRAINING
Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

1000.5 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:
- Age at the time the behavior occurred
- Passage of time
Recruitment and Selection

- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.6 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.6.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions
(b) Be legally authorized to work in the United States under federal law
(c) At least 21 years of age except as provided by Government Code § 1031.4
(d) Fingerprinted for local, state, and national fingerprint check
(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
Recruitment and Selection

(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)

(k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7 PROBATIONARY PERIODS
The Administration Division Commander should coordinate with the West Valley-Mission CC District Department of Human Resources to identify positions subject to probationary periods and procedures for:

(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.
Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1010.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member’s ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) if they have been arrested or issued a criminal citation, named as a suspect in a crime report, or charged with a commission of a felony or misdemeanor criminal offense in a court filing by a prosecutor or grand. This notification requirement includes any outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

Any Department member who has knowledge that another Department member has been arrested, named as a suspect in a crime report, or charged with a commission of a felony or
**Reporting of Employee Convictions**

misdemeanor criminal offense in a court filing by a prosecutor or grand jury shall immediately notify their supervisor. The supervisor will immediately notify the Chief of Police.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any Department member who is officially notified of any civil and/or criminal court orders, which could reasonably impact the performance of their duties shall notify their supervisor immediately. The supervisor shall immediately notify the Chief of Police.

Any Department member who has knowledge that their driver's license status has been restricted or suspended by the Department of Motor Vehicles, or restricted as a result of a temporary administrative action shall notify their supervisor immediately. The supervisor shall immediately notify the Chief of Police. If the Department member's driver's license restrictions affect their ability to perform their official duties, the Department member shall not operate any District vehicles.

Any member whose criminal conviction or pending criminal or civil action, unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt notification pursuant to this policy shall be subject to discipline.

**1010.5 PROCEDURE FOR RELIEF**

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
 Reporting of Employee Convictions

1010.5.1 NOTIFICATION REQUIREMENTS

The Administration Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Administration Division Commander shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).
Drug- and Alcohol-Free Workplace

1012.1 PURPOSE AND SCOPE
The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

1012.2 POLICY
It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY
Department employees shall not purchase or possess alcohol or other controlled substances on District property, at work, or while on-duty except in the performance of a special assignment as described in this policy.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on District property or at any other time.

1012.3 GENERAL GUIDELINES
Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

1012.3.1 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

1012.3.2 USE OF MEDICATIONS
Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to the member's immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair the member's abilities, without a written release from the member's physician.
Drug- and Alcohol-Free Workplace

1012.3.3 MEDICAL CANNABIS
Possession, use, or being under the influence of medical cannabis on- or off duty is prohibited and may lead to disciplinary action.

1012.4 MEMBER RESPONSIBILITIES
Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1012.5 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.6 WORK RESTRICTIONS
If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1012.7 SCREENING TESTS
A supervisor may require an employee to submit to a screening under any of the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform duties safely and efficiently.
Drug- and Alcohol-Free Workplace

(b) The employee discharges a firearm in the performance of the employee’s duties (excluding training or authorized euthanizing of an animal).

(c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.

(d) The employee drives a motor vehicle in the performance of the employee’s duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

1012.7.1 SUPERVISOR RESPONSIBILITIES
The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1012.7.2 DISCIPLINE
An employee may be subject to disciplinary action if the employee:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in the employee’s name.

1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

1012.9 CONFIDENTIALITY
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member’s confidential medical file in accordance with the Personnel Records Policy.
Communicable Diseases

1016.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1016.1.1 DEFINITIONS
Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the West Valley-Mission Community College District Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1016.2 POLICY
The West Valley-Mission Community College District Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1016.3 EXPOSURE CONTROL OFFICER
The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
Communicable Diseases

2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

(g) Coordination with the Department of Human Resources to provide required notices to members regarding COVID-19 exposures (Labor Code § 6409.6).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1016.4 EXPOSURE PREVENTION AND MITIGATION

1016.4.1 GENERAL PRECAUTIONS
All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
Communicable Diseases

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
(e) Using an appropriate barrier device when providing CPR.
(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, body-worn camera, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1016.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1016.5 POST EXPOSURE

1016.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
(b) Obtain medical attention as appropriate.
(c) Notify a supervisor as soon as practicable.

1016.5.2 REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed
(b) Date and time of the incident
Communicable Diseases

(c) Location of the incident
(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
(e) Work being done during exposure
(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

1016.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The DICO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.
(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the DICO.

1016.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1016.5.5 SOURCE TESTING
Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the DICO. If the DICO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
Communicable Diseases

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the DICO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The DICO should seek the consent of the individual for testing and consult the DistrictLegal to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1016.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1016.7 TRAINING
All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.
Smoking Policy

1018.1 PURPOSE AND SCOPE
This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in West Valley-Mission Community College District Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1018.2 POLICY
The West Valley-Mission Community College District Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

1018.3 SMOKING AND TOBACCO USE
Smoking and tobacco use by members is prohibited anytime members are in public view representing the West Valley-Mission Community College District Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside District facilities and vehicles.
Personnel Complaints

1020.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the West Valley-Mission Community College District Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

1020.2 POLICY
The West Valley-Mission Community College District Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, and the requirements of any collective bargaining agreements.

It is also the policy of this Department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1020.3 PERSONNEL COMPLAINTS
Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of District/and or Department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate District/and or Department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1020.3.1 NON-PERSONNEL COMPLAINTS
Inquiries about conduct or performance that, if true, would not violate District/and or Department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include extremely minor transgressions, clarification regarding policy and procedures, or the response to specific incidents by the Department. Non-Personnel complaints should be categorized as follows:

Policy Complaints - When there is an allegation regarding a current Department policy that was properly implemented by a Department member, but the complainant believes the policy is inappropriate or invalid, the issue will be addressed as a policy complaint. The Chief of Police will determine how the policy complaint will be addressed and if any corrective action will be taken.

Supervisory Referral - A citizen initiated allegation which involves a minor transgression (if true) that may be best handled by bringing the matter to the attention of the subject employee by an immediate supervisor. A Supervisory Referral does not require a formal investigation or
investigatory questioning. A Supervisory Referral does not imply the subject employee has in fact committed the alleged transgression. Note: A Department Initiated Investigation (DII) shall not be investigated as a Supervisory Referral.

The following objective criteria will be used to classify a complaint as a Supervisory Referral:

- The issue must be personnel related.
- Allegations of misconduct must be related to action(s) or interaction(s) by a member of the Department.
- The allegation(s) must involve a minor transgression in which a finding of Sustained would not likely result in formal discipline.

Supervisory Referrals may be disposed of by counseling of the employee by the immediate supervisor or another higher ranking Department member. Supervisor Referrals will not be documented in the employee's personnel file. If the department tracks Supervisory Referrals, the subject employee's name will not be attached.

Decline to Investigate Concern (DTI) - When a member of the public makes an allegation against a Department member and the allegation encompasses fact patterns that are clearly implausible or not credible, the Department will classify the allegation as a Decline to Investigate Concern.

The following objective criteria will be used to classify a complaint as a Decline to Investigate Concern:

- The concern is patently hallucinatory and fantastical, and the investigator cannot ascertain an alternate set of facts that might explain the complainant's experience in a way that grounds it in reality.
- The complainant's description is grossly illogical and not capable of separation into discrete facts capable of objective verification or observation.
- The concern hinges on the existence of a broad conspiracy without articulating the specific facts capable of investigation.
- The concern is identical to a previous complaint brought by the individual, against the same department member, and the previous complaint resulted in a finding of "Unfounded".

NOTE: Care and compassion must be exercised with a complainant who may have a mental illness. The presence of a mental illness does not necessarily make a person less able to perceive, to recall, or to report an incident. A complaint may be valid even if the complainant has difficulty communicating the essential facts. Staff should evaluate each complaint on its fact pattern despite any physical and/or mental disabilities or conditions that the complainant may have.

1020.3.2 PERSONNEL COMPLAINT ALLEGATIONS
Personnel complaints will be assigned a category based upon the allegation contained within the complaint. The purpose of these definitions is to categorize objectively the conduct alleged and avoid using value-laden words that will prejudge an allegation prior to the investigation. Complaints allegations are identified as follows:
Personnel Complaints

Procedure (P) - An allegation that an action taken by a Department member did not follow appropriate Department and/or District policies, procedures or guidelines.

Search or Seizure (SS) - An allegation that a search or seizure was conducted by a Department member in violation of the 4th Amendment of the U.S. Constitution.

Arrest or Detention (AD) - Complaint(s) alleging that an arrest lacked probable cause or a detention lacked reasonable suspicion.

Bias-Based Policing (BBP) - An allegation that a Department member engaged in conduct based on a person's race, religion (religious creed), age, marital status, national origin, ancestry, sex, sexual orientation, actual or perceived gender identity, medical condition or disability.

Courtesy (C) - An allegation that a Department member was not courteous or professional as specified in policy manual section 340.5.9.

Conduct Unbecoming An Officer (CUBO) - An allegation that a Department member conduct was unbecoming as specified in policy manual section 340.5.9 (m).

Force (F) - An allegation that the amount of force used by a Department member was not objectively reasonable as defined by policy manual section 300.

Neglect of Duty (ND) - An allegation that a Department member neglected their duty and failed to take action as required by Department and/or District policies and procedures and/or state or federal laws.

Workplace Discrimination/Harassment (WD/WH) - Allegation(s) of a violation of policy manual section 328 (see also AP 3410 and BP 3410 / AP 3430 and BP 3430) governing workplace interactions between District employees.

1020.3.3 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1020.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor.
Personnel Complaints

1020.4.1 COMPLAINT FORMS
Personnel complaint forms and related information will be maintained in a clearly visible location in the Department's public lobbies and on the website. Complaint procedure information may also be available at other District offices including the Office of The Chancellor and Human Resources. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1020.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Complaints will also be accepted through the department website or via email. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

1020.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1020.4.4 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone. Complaints can also be submitted via the department website.

(b) Any Department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors may initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action. Internally generated personnel complaints will be referred to as Department Initiated Investigations (DII).

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.
Personnel Complaints

1020.4.5 HATE COMPLAINTS AGAINST PEACE OFFICERS
Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

1020.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined and categorized as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Chief of Police will audit the log and upon request, provide appropriate information about the number, type of complaints, and final disposition (e.g., unfounded, sustained, not-sustained). The Chief of Police will also submit any required information regarding complaints against peace officers to the Department of Justice on an annual basis.

1020.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows.

1020.6.1 SUPERVISOR RESPONSIBILITIES
In general, the primary responsibility for the initial investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

   (a) The original complaint form will be directed to the Lieutenant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.

   (b) In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Lieutenant or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
Personnel Complaints

1. Follow-up contact with the complainant should whenever reasonably possible, be made within 24 hours of the Department receiving the complaint.

2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Chief of Police via the chain of command.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Lieutenant and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Lieutenant for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment. If an investigation has been assigned outside of the Department, the complainant will be provided the complaint number within three days. The name of the agency and or name of the individual assigned to the investigation will be provided as soon as reasonably possible.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.

2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1020.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor, another law enforcement agency or an outside investigator, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the West Valley-Mission Community College District Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.
Personnel Complaints

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member’s personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Lybarger advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual’s statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).
Personnel Complaints

1020.6.3 ADMINISTRATIVE INVESTIGATION FORMAT
Formal investigations of personnel complaints shall be thorough, complete and impartial. This investigation may include the taking of statements, gathering and preserving of physical evidence, and any other information relevant to the investigation. A written summary of the investigation will be completed by the assigned investigator and will follow this format:

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Investigation - A timeline of the investigation.

Statements - A summary of the statements obtained during the investigation.

Actions Taken - A summary of the actions taken during the investigation and the outcome of those actions.

Applicable Authorities - A list of the pertinent policy, procedure, and legal standards that are applicable to the investigation.

Analysis - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation. Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Finding - A recommended finding for each allegation.

1020.6.4 AVAILABLE FINDINGS AND STANDARD OF PROOF
Once the investigation is complete, each personnel complaint shall be closed with one of the following findings. By definition, the Finding is the official result or the Personnel Complainant investigation. The available Findings are as follows:

Unfounded - The investigation proved, by a preponderance of evidence, that either the act or acts, which provide the basis for the allegation or complaint did not occur, or that the department member named in the allegation was not involved in the act or acts which may have occurred.

Exonerated - The investigation proved, by a preponderance of evidence, that either the act or acts, which provide the basis for the allegation or complaint occurred, however, they were justified, lawful and proper.

Not sustained - The investigation failed to prove, by a preponderance of evidence, that either the act or acts, which provide the basis for the allegation or complaint occurred. This finding is appropriate when the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - The investigation proved, by a preponderance of evidence, that either the act or acts, which provide the basis for the allegation or complaint occurred. A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code §
Personnel Complaints

3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8). The finding of Sustained may result in disciplinary action ranging from Counseling or Training up to and including Dismissal from the Department.

**No Finding** - The complainant failed to disclose information needed to further the investigation, or the complainant is no longer available for clarification of material issues, or the subject department member is no longer employed by the Department before the completion of the investigation.

**Complaint Withdrawn** - The complainant affirmatively indicates the desire to withdraw his/her complaint. The desire to withdraw a complaint shall be captured in writing and via a recorded interview. The final authority whether to continue to investigate a complaint withdrawn shall rest with the Chief of Police, regardless of the original complainant's desire to withdraw the complaint.

The preponderance of evidence standard (51%/49%) shall be applied to each allegation. The "preponderance of evidence" is usually defined in terms of probability of truth, or of evidence that when weighed with that opposed to it, has more convincing force and greater probability of truth. This standard of proof means that the investigator determines that the existence of a fact is more probable than its nonexistence. If after weighing all the evidence, the investigator cannot decide the allegation is more likely to be true than not true, the investigator must conclude the allegation is not sustained.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.6.5 PERSONNEL COMPLAINTS "UNFOUNDED" BY BODY WORN CAMERA EVIDENCE

When the Department receives a complaint of misconduct and there is Body Worn Camera (BWC) video footage associated to the incident from which the complaint arose, the investigator shall conduct a thorough review of the BWC footage. In cases where the BWC conclusively and undeniably demonstrates the act or acts of misconduct alleged by the complainant did not occur, the assigned investigator shall prepare a written report including only the Introduction, Synopsis and Summary (see section 1020.6.3) to support a finding of "Unfounded". The report shall be reviewed and approved by the Chief of Police. If the Chief of Police concurs with the finding of "Unfounded" the case shall be closed and maintained in the Internal Affairs file. If the Chief of Police disagrees with the finding of "Unfounded", the case will be referred to the Lieutenant for a complete and thorough investigation.

1020.6.6 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).
Personnel Complaints

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1020.6.7   NOTICE TO COMPLAINANT OF INVESTIGATION STATUS
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

1020.7   ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member's consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

1020.7.1   DISCLOSURE OF FINANCIAL INFORMATION
An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process
(b) Information exists that tends to indicate a conflict of interest with official duties
(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

1020.8   ADMINISTRATIVE LEAVE
When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Whenever reasonably possible, such action will be coordinated with the Associate Vice-Chancellor of Human Resources before action is taken. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.
Personnel Complaints

1020.9 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency. Allegations of serious criminal conduct will be investigated by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The West Valley-Mission Community College District Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

1020.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES
Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action. Any final recommendation for suspension or termination will be reviewed by the Associate Vice-Chancellor, Human Resources and follow procedures as outlined in collective bargaining agreements.

1020.10.1 LIEUTENANT RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Lieutenant of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Lieutenant may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Lieutenant may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the investigation file shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.
Personnel Complaints

Upon a final decision by the Chief of Police on the finding and recommended discipline (if any), the Lieutenant will send a written notice of completion and finding to the involved employee. The Lieutenant may help in preparation of the NOID and NOD as described below.

1020.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Lieutenant and or assigned investigator for further investigation or action.

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

If the proposed discipline is a suspension or termination, the Chief of Police will contact the Associate Vice-Chancellor of Human Resources and make appropriate recommendations. The Chief of Police in cooperation with the Associate Vice-Chancellor of Human Resources shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action, referred to as a Notice of Intended Discipline (NOID). This written notice (NOID) shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond according to the process outlined in the current collective bargaining agreement.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Associate Vice-Chancellor of Human Resources, in coordination with the Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline (Notice of Discipline or NOD). Once the Associate Vice-Chancellor of Human Resources has issued a written decision (NOD), the discipline shall become effective.

1020.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

1020.10.4 NOTICE REQUIREMENTS

The disposition of any civilian’s complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).
Personnel Complaints

1020.11 PRE-DISCIPLINE EMPLOYEE RESPONSE
The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.
(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

1020.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE
In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

1020.13 POST-DISCIPLINE APPEAL RIGHTS
Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a Brady list or is otherwise subject to Brady restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such Brady evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

1020.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS
At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any
Personnel Complaints

Probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

1020.15  RETENTION OF PERSONNEL INVESTIGATION FILES
All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

1020.16  RETALIATION
The Department values input regarding its members and their performance. Allowing the public to express their concerns regarding the operation of the Department and/or its members is a crucial component in developing and maintaining the public trust. Department members shall not interfere in any way with the complaint process or with any person’s ability to raise concerns regarding alleged misconduct and/or violations of Department/District policy, or local, State or Federal law. Retaliation against any party to a complaint made to the Department or District is strictly prohibited. No Department member shall directly or indirectly intimidate, threaten, coerce, direct or influence any person with the intent of interfering with that person’s right to disclose alleged misconduct violations. The Department will not tolerate retaliation and will take immediate disciplinary action against any member in violation of this policy.

1020.17  WHISTLEBLOWER POLICY
Pursuant to AP 7700 and BP 7700. See these sections for further details on Whistleblower Policies and Procedures.

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he/she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report or who otherwise is aware of retaliatory conduct, is required to advise the Chancellor, or the Chancellor’s designee. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the College President or Chancellor, the supervisor shall report to the highest level administrator and/or Board member who is not implicated in the reports of unlawful activity and retaliation.
Personnel Complaints

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

Whistleblower Contact Information

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the State Chancellor's Office or the District's Board of Trustees.

1020.18REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.

1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect an officer's POST certification, such as:

1. Complaints, charges, or allegations of misconduct
2. Findings of civilian review boards
3. Final dispositions of any investigations
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the West Valley-Mission Community College District Police Department based on allegations of conduct by an officer

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) for up to two years after reporting of the disposition of an investigation (Penal Code § 13510.9).
Seat Belts

1022.1 PURPOSE AND SCOPE
This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.1.1 DEFINITIONS
Definitions related to this policy include:

Authorized Emergency Vehicle - Any federal, state or local agency, department, or district employing peace officers as that term is defined in Chapter 4.5 (commencing with Section 830) of Part 2 of Title 3 of the Penal Code for the use of those officers in the performance of their duties (Penal Code § 165).

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1022.2 WEARING OF SAFETY RESTRAINTS
All employees shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The employee driving such a vehicle shall ensure that all other occupants, including non-employees, are also properly restrained. Employees must be prepared to justify any deviation from this requirement not outlined in this policy.

Exceptions to the requirement to wear safety restraints may be made in the following circumstances:

An officer of this Department is on or in the immediate area of a campus or other District owned, operated or controlled property, operating or riding in an authorized emergency vehicle (Vehicle Code § 27315(4)(g) and Vehicle Code § 27315.5) which is owned, leased or rented by the District and the use of safety restraints would be impractical (e.g. getting in and out of the vehicle frequently during enforcement or investigative activities).

Other exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the officer or the public.

1022.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.
Seat Belts

1022.4 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver’s position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1022.5 POLICY
It is the policy of the West Valley-Mission Community College District Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1022.6 TRANSPORTING CHILDREN
Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1022.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

1022.8 VEHICLE AIRBAGS
In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
Body Armor

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY
It is the policy of the West Valley-Mission Community College District Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR
The Department shall ensure that body armor is issued to all officers when the officer begins service at the West Valley-Mission Community College District Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Department shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

Officers shall notify their supervisor as soon as possible, via email, whenever body armor needs inspection, repair, or replacement. The email will be titled; "Body Armor Inspection," "Body Armor Repair," or "Body Armor Replacement." The email will include: The reason for the request, the original date of purchase, brand, model, threat-level, and serial number on each panel. In the case of replacement, the email shall be sent no less than four (4) months, and no more than six (6) months, before the the body armor expiration date. Once proper notification has been made, officers should periodlically follow-up with their supervisor on the status of their body armor.

1024.3.1 USE OF SOFT BODY ARMOR
Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be
compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

1024.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1024.3.4 EXTERIOR LOAD BEARING EQUIPMENT AND BODY ARMOR CARRIER (LOAD BEARING VESTS)
(a) Sworn officers may wear the department approved uniform style outer load bearing vest. It is designed and approved to be worn on the outside of your police uniform (Class B Uniforms). The only two department approved load bearing vests are the Blauer Armorskin (plain or with molle) and the Safariland Sacramento (plain or with molle). You may choose the Safariland Sacramento if your soft body armor is made by Safariland. The load bearing vests will be dark blue or navy blue in color and match the color of your Class B uniform shirt and pants as close as possible.

(b) The load bearing vest may be worn to traffic court if you are assigned to patrol operations and working that day. The load bearing vest shall not be worn to any other court appearances. The vest should also not be worn when a Class A uniform is required or appropriate (ceremonies, funerals, etc.).

(c) The load bearing vest with body armor must be worn at all times while on-duty in public view. The load bearing vest will fit on top of duty belt or no shorter than ½” above the duty belt. The load bearing vest must be worn to meet the specifications and appearance of a Class A or B uniform shirt, with two pockets, a metal badge and name tag. Only department approved pins and insignia such as FTO pins or medals may be affixed to the vest carrier.
**Body Armor**

(d) It is important to maintain a uniform appearance throughout the patrol ranks; therefore no additional equipment will be allowed to be affixed to the outer vest such as: zip ties, flex cuffs, and any other such modifications. An approved equipment pouch may be added to the load bearing vest. The pouches may be added by MOLLE system or sewn on to the vest. The pouch color will match the color of the load bearing vest as close as possible. The load bearing vests should be fitted to the officer's body armor and be worn in a professional manner.

(e) Tactical style carriers (including rifle plate carriers) are not authorized to be worn except under specific situations that call for a higher level of ballistic protection. The handgun will be worn on the officer's belt without exception.

(f) The purpose of the vest is to get most of the weight off of the officer's hip and lower back area. Much of the gear from the duty belt can be transferred to the vest, however, your handgun will remain on your duty belt. Gear that may be visibly carried on the load bearing vest is limited to the required gear (pepper spray, collapsible baton, handcuffs, radio, flashlight, Taser, handgun magazines). The addition of one approved equipment pouch may be added to the load bearing vest. The body worn camera will be affixed to the mounting loop which is pre-sewn into the load bearing vest. Final approval of what may or may not be carried on the exterior of the load bearing vest lies with the Chief of Police.

(g) Employees are required to wear the department approved undershirt (short sleeve or long sleeve) with the outer vest. The upper torso area of the under shirt must mimic the class A wool uniform and include a collar. The undershirt can be made of mesh or other breathable material. The undershirt is not authorized to be worn without the vest while on-duty in the public view.

(h) Officers should adhere to warranty requirements when inserting their ballistic panels into the outer vest carriers.

(i) It is the responsibility of all employees to ensure that the overall appearance of their uniform is maintained (fading, stitching, color, etc.).

### 1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

(d) Ensure that officers wear body armor at the range during firearms training.
Personnel Records

1026.1 PURPOSE AND SCOPE
This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1026.2 POLICY
It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7). Personnel records of sworn members of this department will be maintained separately from non-sworn member files.

1026.3 GENERAL PERSONNEL FILE
The general personnel file shall be maintained in the District's Human Resources Office as a record of a person's employment/appointment with this department. The general personnel file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records, including copies of sustained personnel complaints (see the Personnel Complaints Policy).

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least four years (Government Code § 12946).

2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained pursuant to the established records retention schedule and at least 15 years (Penal Code § 832.5).

3. A civilian's complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
Personnel Records

2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.4 DEPARTMENT/DIVISION FILE
Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations. The Division File should also contain the following current information:

(a) Personnel data, including photographs, marital status, names of family members, educational and employment history, or similar information, emergency contact information and a photograph of the member.

(b) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.

(c) Copies of performance evaluations (originals are maintained in the general personnel files).

(d) Copies of findings related to sustained complaints

(e) Commendations and awards

(f) Certificates, forms and required verifications (POST, DOJ/FBI, DMV, etc.)

(g) Medical clearances to return to work and work restrictions *No medical conditions or history information*

(h) Issued equipment and uniforms

All adverse materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306. Comments and notes created by a supervisor for the sole purpose of completing a performance evaluation are not required to be disclosed as long as the information is not share with others, and the information is destroyed once the supervisor completes the performance evaluation.

1026.5 TRAINING FILE
An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records
Personnel Records

Personnel Records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1026.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained
(b) Unfounded
(c) Exonerated

Investigation files arising out of sustained civilian’s complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee’s career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

1026.7 MEDICAL FILE

A medical file shall be maintained in Human Resources separately from all other personnel records, and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
Personnel Records

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

Copies of medical release forms and or doctor's slips authorizing a member's return to work or restricting work related activities should also be maintained in the member's Department/Division File. Information about a member's medical condition and or history shall not be included in the Department/Division File.

1026.8 SECURITY
Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the Associate Vice-chancellor Human Resources, DistrictLegal or other attorneys or representatives of the District in connection with official business.

1026.8.1 REQUESTS FOR DISCLOSURE
Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

1026.8.2 RELEASE OF PERSONNEL INFORMATION
Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes
Personnel Records

a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1026.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION
Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

1026.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS
Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

1026.9 BRADY MATERIAL IN PERSONNEL FILES
The purpose of this section is to establish a procedure for releasing potentially exculpatory information (so-called Brady material) contained within confidential peace officer personnel files.

1026.9.1 DEFINITIONS
Brady Material - In the Brady v. Maryland decision (373 U.S. 83 (1963)) the United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The Prosecution - Refers to the District Attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

Penal Code § 1054.1 - California law also establishes a criminal defendant's right to access potentially exculpatory evidence.

1026.9.2 RELEASE OF PERSONNEL FILES TO DISTRICT ATTORNEY
Pursuant to Penal Code § 832.7(a), the only time the District Attorney (Attorney General or Grand Jury) is entitled to access confidential peace officer personnel files without filing a so-called Pitchess motion (Evidence Code § 1043 et seq.) is when they are investigating the conduct of an officer or this department. Such access shall not be considered a waiver of the confidentiality of the information contained in these files.

Absent a specific investigation of identified officer(s) or a specific investigation of this department (or the consent of an involved officer), no confidential information from any officer's personnel file shall be released to the District Attorney or Grand Jury without full compliance with the Pitchess process. The prosecution of a criminal defendant is not considered an investigation of any involved officer.
Personnel Records

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the District Attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in Evidence Code § 1043, et seq.

1026.9.3 PROCEDURE

If an officer is a material witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject officer's personnel file to determine whether there are Brady materials contained therein (e.g., evidence which is both favorable and material to the guilt and/or punishment of the defendant). If Brady material is located, the following procedure shall apply:

(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party, the District Attorney shall be notified of the potential presence of Brady material in the officer's personnel file

(b) The District Attorney should be instructed to file a Pitchess motion in order to initiate an in-camera review by the court

(c) As with any Pitchess motion, and prior to any review of the files by the court, subject officer(s) shall be notified in writing that a Pitchess motion has been filed

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in-camera inspection and address any issues or questions raised by the court in determining whether or not any material contained in the file is both material and favorable to the criminal defendant

(e) If the court determines that there is relevant Brady material contained in the file(s), only that material ordered released will be copied and released to the parties filing the Pitchess motion

1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the Court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

1026.10 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Internal Affairs Unit supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
Personnel Records

- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:
   1. The discharge of a firearm at another person by an officer.
   2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
   3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
   4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

(b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:
   1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
   2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
   3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
Personnel Records

4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1026.10.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1026.10.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
Personnel Records

2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:

(a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department’s discovery of the misconduct or use of force.

1026.10.3 NOTICE OF DELAY OF RECORDS
When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if
Personnel Records

disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

1026.11 MEMBERS’ ACCESS TO THEIR PERSONNEL RECORDS
Any member may request access to the member’s own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member’s personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the written response from the Department shall be retained with the contested item in the member’s corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person’s privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1026.12 RETENTION AND PURGING
Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member’s performance evaluation should determine
Personnel Records

whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.
Employee Commendations

1030.1 PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1030.2 WHO MAY MAKE COMMENDATIONS
A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1030.3 COMMENDABLE ACTIONS
A meritorious or commendable act by an employee of this Department may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee
- Conspicuous bravery or outstanding performance by any employee of the Department
- Any action or performance that is above and beyond the typical duties of an employee

1030.3.1 COMMENDATION INCIDENT REPORT
The Commendation Incident Report (Department Memorandum) shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, rank and assignment at the date and time of the commendation
(b) A brief account of the commendable action shall be documented on the form with report numbers, references to letters, emails, etc. as appropriate
(c) Signature of the commending supervisor

Completed reports shall be forwarded to the Lieutenant for his/her review. The Lieutenant shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the supervisor for entry into the employee’s supervisory file and forwarded to Human Resources for inclusion in the employees permanent personnel file.
Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all District employees that has been established and outlined within each employees collective bargaining unit agreement.

1034.1.1 MEAL PERIODS

Sworn employees shall remain on duty and available to respond to all calls during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol officers who are taking a meal break outside of their assigned beat area, shall communicate their intentions to office staff and fellow beat officers prior to taking a meal period. Uniformed officers shall take their breaks within five (5) miles of their assigned beat unless on assignment outside of the District with supervisory approval.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee’s shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios.
Lactation Break Policy

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1035.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.
Personal Appearance Standards

1044.1 PURPOSE AND SCOPE
In order to project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

1044.2 GROOMING STANDARDS
Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1044.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1044.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1044.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.
**Personal Appearance Standards**

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1044.3 TATTOOS

While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive or excessive tattoos or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

Any visible tattoos must be approved by the Chief of Police.

1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth (dental ornamentation)

(d) Branding or scarification.
**Uniform Regulations**

**1046.1 PURPOSE AND SCOPE**

The uniform policy of the West Valley-Mission Community College District Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of Department uniforms as outlined in the Uniform and Equipment Specifications manual. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property

Section 1024 - Body Armor

Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The West Valley-Mission Community College District Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group’s collective bargaining agreement.

**1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT**

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this Department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the Department’s uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official Department functions or events.
Uniform Regulations

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by a superior officer.

1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM
The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Long sleeve shirt with tie and tie bar

(b) Black polished boots (Boots with pointed toes, and patent leather shoes are not permitted).

(c) Uniform hat/hat piece

(d) Ike Jacket (Note: This garment may only be worn with prior approval).

1046.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.
Uniform Regulations

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required
(b) A white or black crew neck t-shirt must be worn with the uniform
(c) All shirt buttons must remain buttoned except for the last button at the neck
(d) Shoes for the Class B uniform may be as described in the Class A uniform
(e) Approved all black unpolished shoes may be worn
(f) Boots with pointed toes are not permitted

1046.3.3 CLASS C UNIFORM
The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1046.3.4 SPECIALIZED UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units/assignments, SWAT, Bicycle Patrol, and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications manual lists the authorized uniform, uniform jacket and rain gear.

1046.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets.

(b) Service stripes, stars, etc. - One service stripe for every five years of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. Prior full-time service from another law enforcement agency may be credited. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on shall be worn at all times while in uniform. The nameplate shall display the employee’s first initial and last name.

(d) When a jacket is worn, an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, specialization, or achievement (FTO, CIT, etc.) may be worn as designated by the Uniform and Equipment Specifications manual.

(f) Flag Pin - An approved flag pin may be worn, centered above the nameplate.
Uniform Regulations

(g) Badge - The Department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1046.4.1 MOURNING BADGE
Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this Department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1046.5 CIVILIAN ATTIRE
There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:
   1. T-shirt alone
   2. Open toed sandals or flip-flops
   3. Swimsuit, tube tops, or halter-tops
   4. Spandex type pants or see-through clothing
   5. Distasteful printed slogans, buttons or pins
Uniform Regulations

(e) Variations from this order are allowed at the discretion of the Chief of Police or designate when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the West Valley-Mission Community College District Police Department or the morale of the employees.

1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS
Unless specifically authorized by the Chief of Police, West Valley-Mission Community College District Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the West Valley-Mission Community College District Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.
(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
(c) Endorse, support, or oppose, any product, service, company or other commercial entity.
(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1046.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1046.7.1 RETIREE BADGES
The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the West
Uniform Regulations

Valley-Mission Community College District Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the West Valley-Mission Community College District Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

West Valley-Mission Community College District Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications manual or by the Chief of Police or designee.

West Valley-Mission Community College District Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications manual or by the Chief of Police or designee.
Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS
Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee’s annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee’s action, inaction or decisions are or may be influenced by the employee’s personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

   (b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

   (c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

   (d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

   (e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1050.2.1 EMPLOYEE RESPONSIBILITY
Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.
Nepotism and Conflicting Relationships

1050.2.2 SUPERVISOR’S RESPONSIBILITY
Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.
Department Badges

1052.1 PURPOSE AND SCOPE
The West Valley-Mission Community College District Police Department badge and uniform patch as well as the likeness of these items and the name of the West Valley-Mission Community College District Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY
The uniform badge shall be issued to Department members as a symbol of authority and the use and display of Departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this Department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE
Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of Departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the West Valley-Mission Community College District Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer’s control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 ALTERNATE UNIFORM BADGE
Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, other authorized uniform badges. The use of these badges is subject to all the same provisions of Department policy as the issued uniform badge.

1052.2.3 NON-SWORN PERSONNEL
Badges and Departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking, Records).

(a) Non-sworn personnel shall not display any Department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.
Department Badges

(b) Non-sworn personnel shall not display any Department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.4 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge in the amount of one-dollar for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1052.3 UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and Department name for all material (printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her Department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the Department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the Department badge for merchandise and official association business provided they are used in a clear representation of the association and not the West Valley-Mission Community College District Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the Department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.
Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY
This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY
Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression.

To achieve its mission and efficiently provide service to the public, the West Valley-Mission Community College District Police Department will carefully balance the individual employee's rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY
Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the West Valley-Mission Community College District Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT
To meet the Department's safety, performance and public-trust needs, the following is prohibited:
Employee Speech, Expression and Social Networking

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the West Valley-Mission Community College District Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the West Valley-Mission Community College District Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the West Valley-Mission Community College District Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the West Valley-Mission Community College District Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or his/her designee (Penal Code § 146g).

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the West Valley-Mission Community College District Police Department on any personal or social networking or other website or web page, without the express written permission of the Chief of Police.

(h) Failure to take reasonable and prompt action to remove any content that is in violation of this policy and/or posted by others from any web page or website maintained by the employee (e.g., social or personal website).

(i) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on-duty, except in the following circumstances:
Employee Speech, Expression and Social Networking

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks, however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, employees may not represent the West Valley-Mission Community College District Police Department or identify themselves in any way as being affiliated with the West Valley-Mission Community College District Police Department in order to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization (e.g., bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the West Valley-Mission Community College District Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

The Department also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Department, including the department e-mail system, computer network or any information placed into storage on any department system or device.

All messages, pictures and attachments transmitted, accessed or received over department networks are considered department records and, therefore, are the property of the Department.
Employee Speech, Expression and Social Networking

The Department reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any department system or device, or any such information placed into any department storage area or device. This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network.
Anti-Retaliation

1061.1 PURPOSE AND SCOPE
This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members’ access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

1061.2 POLICY
The West Valley-Mission Community College District Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1061.3 RETALIATION PROHIBITED
No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.
Anti-Retaliation

1061.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

1061.4 COMPLAINTS OF RETALIATION
Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the District Associate Vice Chancellor Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1061.5 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
Anti-Retaliation

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

1061.6 COMMAND STAFF RESPONSIBILITIES
The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1061.7 WHISTLE-BLOWING
California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member’s supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.
Anti-Retaliation

1061.7.1 DISPLAY OF WHISTLE-BLOWER LAWS
The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

1061.8 RECORDS RETENTION AND RELEASE
The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1061.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.
Attachments
2016-01PG_WRAP_Booking Procedure.pdf
PURPOSE
The purpose of the information contained in these guidelines is to clarify issues which are critical for the successful management and supervision of the Department and to provide personnel with support and supplemental direction for activities. While these guidelines should be used by personnel to determine the proper course of action when handling different activities they do not supersede policy. Substantial deviation from these guidelines is only permissible on a case-by-case basis with reasonable justification.

TOPIC
Documenting and reporting how a subject was transported in a WRAP during the booking process.

REFERENCES AND DEFINITIONS

WRAP – For the purpose of these guidelines, the WRAP is a temporary safety restraint device used by officers to provide emergency stabilization of subjects.

Transportation in a WRAP – Whether in the field or in a controlled environment, a subject will normally need to be lifted off the ground and placed into a patrol car, on a gurney, backboard or wheel chair (See Basic Application Manual, page 9). In accordance with Santa Clara Co. Jail Medical Administrators, all subjects should be transported in a seated position whenever reasonably possible. Subjects who are transported in any other manner may require clearance at Valley Medical Center before booking. The booking nurse has the authority to determine who will be accepted during the booking process.

Reporting/Documentation – Whenever a subject has been transported in a WRAP and is being booked at the Santa Clara Co. Main Jail, officers are required to take the following action:

1. Monitor – If the restrained person complains of being in medical distress or exhibits any signs of medical concern, seek immediate medical attention.

2. Document – Write on the medical form the position in which the subject was transported.

3. Attest – Tell the booking nurse how the subject was transported

Note: These documenting and reporting requirements are in addition to the completion of a crime or information report.
Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.

CPC 422.56 - Provides definitions of terms included in hate crimes statutes.

GC 12926 - Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another’s exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.

CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.

CPC 288(b)(2) - Sexual assault of dependent person by caretaker

CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.

CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another’s exercise of civil rights.

CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.
Enhancements

CPC 190.2(a)(16) - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 190.3 - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

CPC 422.75 - Penalty for felony committed because of victim’s race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

CPC 1170.8 - Enhancement for robbery or assault at a place of worship.

CPC 1170.85(b) - Felony assault or battery enhancement due to age or disability.

Reporting

CPC 13023- Requirement for law enforcement agencies to report hate crime data to DOJ.

WI 15630 – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

Training and Policy Requirements

CPC 422.87 - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

CPC 13519.6 - Defines hate crime training requirements for peace officers.

CPC 13519.41 - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

Miscellaneous Provisions

CPC 422.78 - Responsibility for prosecution of stay away order violations.

CPC 422.86 - Public policy regarding hate crimes.

CPC 422.89 - Legislative intent regarding violations of civil rights and hate crimes

CPC 422.92 - Hate crimes victims brochure requirement for law enforcement agencies.

CPC 422.93 - Protection of victims and witnesses from being reported to immigration authorities.

GC 6254 - Victim confidentiality.
The form is for an application for outside work by an employee for the West Valley-Mission College District Police. It includes sections for employee information, employer details, hours of work, uniform details, and a description of the work duties. The employee must also certify their understanding of Penal Code Sections 70 (c), (d), and (e) and agree to renew the permit every July 1st. There are designated areas for signatures and dates from the employee, supervisor, intermediate supervisor, and chief of police.
Hate Crime Checklist.pdf
### Hate Crime Checklist

<table>
<thead>
<tr>
<th>Victim Type:</th>
<th>Target of Crime (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>Person [ ] Private property [ ] Public property [ ] Other [ ]</td>
</tr>
<tr>
<td>School, business or organization</td>
<td>Bodily injury [ ] Threat of violence [ ] Other crime [ ]</td>
</tr>
<tr>
<td>Faith-based organization</td>
<td>Property damage [ ] Other crime [ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Crime (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bodily injury [ ] Threat of violence [ ] Property damage [ ] Other crime [ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Crime (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property damage [ ] Other [ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Bias (Check all characteristics that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability [ ] Gender [ ] Gender identity/expression [ ] Sexual orientation [ ] Race [ ] Ethnicity [ ] Nationality [ ] Religion [ ] Significant day of offense (e.g., 9/11, holy days) [ ] Other: [ ]</td>
</tr>
<tr>
<td>Specify disability (be specific): [ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actual or Perceived Bias – Victim’s Statement:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual bias [ ] Perceived bias [ ]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason for Bias:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do you feel you were targeted based on one of these characteristics? [ ] Explain in narrative portion of Report.</td>
</tr>
</tbody>
</table>

| Do you know what motivated the suspect to commit this crime? [ ] Explain in narrative portion of Report. |

| Do you feel you were targeted because you associated yourself with an individual or a group? [ ] Explain in narrative portion of Report. |

| Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)? [ ] Describe in narrative portion of Report. |

| Are there indicators the suspect is affiliated with a criminal street gang? [ ] Describe in narrative portion of Report. |

<table>
<thead>
<tr>
<th>Bias Indicators (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hate speech [ ] Acts/gestures [ ] Property damage [ ] Symbol used [ ]</td>
</tr>
</tbody>
</table>

| Written/electronic communication [ ] Graffiti/spray paint [ ] Other: [ ] |

| Describe with exact detail in narrative portion of Report. |

<table>
<thead>
<tr>
<th>Relationship Between Suspect &amp; Victim:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspect known to victim? [ ] Yes [ ] No</td>
</tr>
</tbody>
</table>

| Nature of relationship: [ ] |

| Length of relationship: [ ] |

| If Yes, describe in narrative portion of Report |

<table>
<thead>
<tr>
<th>Weapons:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weapon(s) used during incident? [ ] Yes [ ] No [ ] Type: [ ]</td>
</tr>
<tr>
<td>Weapon(s) booked as evidence? [ ] Yes [ ] No</td>
</tr>
</tbody>
</table>

| Automated Firearms System (AFS) Inquiry attached to Report? [ ] Yes [ ] No |

**Note:**

- POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
<table>
<thead>
<tr>
<th>Witness/Statements</th>
<th>Evidence/Photos</th>
<th>Recordings</th>
<th>Suspect Identified</th>
<th>Resources Offered</th>
<th>Paramedics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Witnesses present during incident?</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Field ID By photo</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Statements taken?</td>
<td>Yes No</td>
<td>Yes No</td>
<td>Known to victim</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Evidence collected?</td>
<td>Yes No</td>
<td>Yes No</td>
<td></td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Photos taken?</td>
<td>Yes No</td>
<td>Yes No</td>
<td></td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
<tr>
<td>Total # of photos:</td>
<td>D#:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taken by:</td>
<td></td>
<td>Serial #:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**VICTIM**

- Tattoos
- Shaking
- Unresponsive
- Crying
- Scared
- Angry
- Fearful
- Calm
- Agitated
- Nervous
- Threatening
- Apologetic
- Other observations:

**SUSPECT**

- Tattoos
- Shaking
- Unresponsive
- Crying
- Scared
- Angry
- Fearful
- Calm
- Agitated
- Nervous
- Threatening
- Apologetic
- Other observations:

**ADDITIONAL QUESTIONS**

- Has suspect ever threatened you? Yes No
- Has suspect ever harmed you? Yes No
- Does suspect possess or have access to a firearm? Yes No
- Are you afraid for your safety? Yes No
- Do you have any other information that may be helpful? Yes No

**Resources offered at scene:** Yes No Type:

**MEDICAL**

- Victim
- Suspect

- Declined medical treatment
- Will seek own medical treatment
- Received medical treatment

Authorization to Release Medical Information, Form 05.03.00, signed? Yes No

- Paramedics at scene? Yes No Unit #

- Name(s)/ID #: 
- Hospital: 
- Jail Dispensary: 
- Physician/Doctor: 
- Patient #:

Officer (Name/Rank) Date

Officer (Name/Rank) Date

Supervisor Approving (Name/Rank) Date

POST 05/19
Policy 709_Approved Equipment Category List_7.21.22.pdf
Unmanned Aerial Systems (Category 1)

a. Description:

The Skydio X2E is an unmanned aerial system (UAS), is commercial grade, commonly used by construction and utility companies for the inspection of buildings, powerlines, windmills, and other infrastructure. The West Valley College Unmanned Aerial Technology Certification Program uses this type of UAS to prepare, train and certify students, to enter the Unmanned Aircraft Technology field.

b. Quantity:

- One - Skydio X2E UAS
- Four - Skydio 2 UAS

c. Capabilities:

The Skydio X2E is a battery powered, remote operated device. Controller: Skydio Enterprise Controller with 6.8-inch integrated screen. Controller allows operators to control UAV and view live feed from UAS-mounted cameras. The Skydio X2E has 360-degree environmental coverage, and omnidirectional avoidance coverage. Camera: Sony IMX577 camera with dual RGB and FLIR capabilities. Camera provides operators ability to switch between standard RGB camera and views based on heat of objects within frame. Flight time of approximately 35 minutes per battery, depending on weather and flight conditions. The UAS has also proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of law enforcement, fire personnel, and the public.

d. Purpose:

Use of these systems by WVMPD is secondary to their primary educational mission, except in the case of life safety events. The UAS will be deployed by WVMPD when its use would assist officers or incident commanders with overall situational awareness in varying situations, which include but are not limited to:

i. de-escalating a situation
ii. collision investigations
iii. search for missing persons.
iv. natural disaster management
v. crime scene photography
vi. tactical or other public safety and life preservation missions.
vii. In response to specific requests from local, state, or federal fire authorities for fire response and/or prevention.
e. Authorized Use:

Only assigned operators who have completed the required training shall be permitted to operate the Skydio X2E during approved activities. All other applicable WVMPD policies remain in effect, to include, but not limited to, Policy 322 - Search and Seizure, Policy 332 - Missing Persons, Policy 406 - Crime and Disaster Scene Integrity.

f. Expected Lifespan:

The Skydio X2E has an estimated expected lifespan of approximately 5-7 years.

g. Fiscal Impact:

The Skydio X2E as configured costs 14,499.00 per unit. Currently there is no direct cost to the department. These systems are purchased by the district and primarily used as part of the West Valley College Unmanned Aerial Technology Program. Unless the UAS is damaged in flight, there is no known annual maintenance cost.

Specialized Firearms and Ammunition (Equipment Category 9)

a. Description

The Carbine Rifle is a standard issue firearm for sworn members of the department. It is capable of stopping an armed subject at various distances and with far greater accuracy than the standard issue sidearm.

b. Quantity:

- Five - Colt AR-15/M4 Carbine Rifles
- Four - Bushmaster XM-15 Carbine Rifles
- 2800 Rounds - Winchester RA223R cartridge, .223/5.56 caliber, .55 grain. This is the primary duty ammunition used by the department for this firearm.
- 6500 Rounds - Winchester Q3131 cartridge, .223/5.56 caliber, .55 grain. This is the primary training ammunition used by the Department for this firearm.

Note: Other ammunition manufacturers and types of ammunition, including those with different ballistic characteristics may be selected and used by the department based upon availability, evaluation and or recommendation.

c. Capabilities:

The Carbine Rifle is a lightweight, air-cooled, gas operated, magazine fed, shoulder fired weapon, designed for semi-automatic fire. The Carbine Rifle does not have an expiration and is
regularly serviced and or replaced when the firearm fails or breaks. The .223 / 5.56 cartridge is used in the Carbine Rifle and designed to stop a deadly threat /violent encounter.

d. Purpose:

Carbine Rifles are more accurate than a handgun. They are intended to be used to address a significant threat over distance with greater precision.

e. Authorized Use:

Only sworn members of the department who are POST certified in the use of a Carbine Rifle and have met department qualification standards are authorized to use it. All other applicable WVMPD policies remain in effect, to include, but not limited to; Policies 300 – Use of Force, 304 – Shooting Policy, 312 – Firearms.

f. Expected Lifespan:

Carbine Rifle – No expiration.

g. Fiscal Impact:

Five – Colt AR-15/M4 Carbine Rifles: $1,524.91 each
Four – Bushmaster XM-15 Carbine Rifles: Approx. $900.00 each
No on-going annual cost
Ammunition – Approximately $3000.00 annual cost

Kinetic Energy Weapons and Munitions (Equipment Category 14)

a. Description

The Mossberg Less Lethal Shotgun will be a standard issue less lethal option for sworn members of the department. It is a converted 12-gauge shotgun capable of firing a less lethal projectile. The less lethal projectile is proven effective in stopping an armed or combative suspect without having to resort to lethal force. The Less Lethal Shotgun is a converted industry standard shotgun that is specifically marked to indicate its less lethal capacity. Less lethal shotguns are clearly distinguished from lethal shotguns and the two are never converted back and forth.

b. Quantity:

- Five – Mossberg 590 pump-action shotgun (less lethal)
- Five - Mossberg 500 12 Gauge Less Lethal Orange Over Molded Shotgun Stock w/for end (conversion kit)

Note: Other ammunition manufacturers and types of ammunition, including those with different ballistic characteristics may be selected and used by the department based upon availability, evaluation and or recommendation.
c. Capabilities

The converted Mossberg Shotgun is capable of firing a less lethal round. This less lethal munition is in its deployed state immediately upon exiting the shotgun barrel. It does not require a minimum range to “unfold” or “stabilize.” The less lethal round is an aerodynamic projectile and its accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The less lethal munition is capable of providing point control accuracy and consistent energy to momentarily incapacitate violent, combative subjects. Effective range is 75ft.

d. Purpose:

The deployment of less-lethal rounds is key evidence of intent to prevent lethal injury. This "Less Lethal" shotgun is designed to be easily identified as a less-lethal option for use in a tactical situation. Special blaze orange stocks are used to quickly designate the "Less lethal" loaded firearm.

e. Authorized Use:

Only sworn members of the department who are POST certified in the use of a Mossberg 590 pump-action shotgun and have met department qualification standards are authorized to use it. All other applicable WVMPD policies remain in effect, to include but are not limited to; Policies 300 – Use of Force, 304 – Shooting Policy, 312 – Firearms, 308 – Control Devices & Techniques.

e. Expected Lifespan:

Mossberg 590 pump-action shotgun – No expiration.

a. Fiscal Impact:

Less lethal Shotgun – $700 per Shotgun with blaze orange stocks installed

Ammunition – $400 @ 3.00 per round
PURPOSE:

The purpose of this is to establish guidelines for the West Valley–Mission CCD Police for the utilization of nasal Naloxone Hydrochloride for proper pre-hospital administration. This program is designed to aid in reducing fatalities, which occur as a result of opiate overdose. Similar to Automated External Defibrillators, the program intends to provide first responders with another tool that may potentially save lives.

LEGAL PREMISES FOR IMPLEMENTATION:

California law permits the administration of nasal Naloxone by pre-hospital emergency medical care personnel, which include peace officers. The medical director of a local EMS agency may, pursuant to H&S § 1797.221, approve or conduct a trial study of the use and administration of naloxone hydrochloride or other opioid antagonists by any level of pre-hospital emergency medical care personnel. Existing law also allows for the dispensing of Naloxone by a pharmacist over the counter. (AB:1535, SB:1438, H&S § 1797.189 paragraph (2) of subdivision (a)).

POLICY:

1. DEFINITIONS:

   A. Opiate – An opiate is any controlled substance containing or compounded to be a derivative of morphine or morphine sulfate. The term opiate describes any of the narcotic opioid alkaloids found as natural products in the opium poppy plant, Papaver somniferum. Commonly encountered opiates in police service include heroin, fentanyl, morphine, oxycontin, percocet, and percodan.

   B. Naloxone : Naloxone is an opioid antagonist drug. Naloxone is a drug used to counter the effects of opiate overdose, for example heroin or morphine overdose. Naloxone is specifically used to counteract life threatening depression of the central nervous system and respiratory system. It is marketed under various trademarks including NARCAN, Nalone, and Narcanti, and has sometimes been mistakenly called "naltrexate". It is not to be confused with naltrexone, an opioid receptor antagonist with qualitatively different effects, used for dependence treatment rather than emergency overdose treatment.
2. TRAINING:

A. Sworn Peace Officers of the West Valley-Mission CCD Police Department will receive initial training that includes, but is not limited to the following:

1. An overview of the laws allowing law enforcement officers to use Naloxone

2. Causes of opiate overdoses

3. Victim assessment (e.g., signs/symptoms of overdose)

4. Personnel Protective Equipment (PPE)

5. AED/CPR priority over Naloxone administration

6. Rescue breathing/Bag Mask Valve (BVM) operation

7. Notification of appropriate emergency medical services

8. Proper administration of intranasal Naloxone application, including hands-on training with the delivery device

9. Post administration reaction and duration of Naloxone

10. Necessity of EMS transport to a hospital

B. Continuing education for Naloxone administration will occur as necessary or as required by POST.

C. The training delivery will be presented within the Enforcement First Aid/CPR mandated training class and through the viewing of the specific training video authorized by the EMS Agency. Refresher training will be provided on a bi-annual basis through instructor-led First Aid/CPR training or video training.

D. Each training session will include a knowledge question and answer component and a Naloxone training acknowledgment form shall be signed at the completion of each initial training session. These acknowledgment forms shall be provided and collected by the designated instructor at the time of training and retained in the employee’s training file.
3. DEPLOYMENT OF NALOXONE:

A. Since Naloxone is temperature sensitive, storage within patrol vehicle trunks/first aid bags is not an option. Naloxone kits will be placed into orange colored insulated containers and the exterior of the container will display a card indicating to whom/where the kit is assigned. Storage locations of the Naloxone kits are as indicated:

1. Sworn Officers – The assigned kits will be stored in the patrol storage area on assigned shelf with their patrol gear in Building 19, or another designated location as approved by the Chief.

2. Office First Aid Bags in the police offices at West Valley and Mission College.

B. All Sworn personnel shall obtain their Naloxone kit at the start of each shift, and return it to the designated location at the end of each shift.

1. Officers shall store the kits out of direct sunlight.

C. Only those Sworn and Non-Sworn personnel who have received and successfully completed the Naloxone training course are allowed to administer Naloxone.

D. Personnel assigned a Naloxone kit shall inspect their kit at the beginning of each shift to ensure the kit is present, intact, and not expired.

E. The designated office staff at each police office will be responsible for monthly inspection of the police office Naloxone kits.

F. If a replacement Naloxone kit is required, the patrol supervisor shall be notified. The Naloxone Kit shall be taken out of service. The out of service kit shall be given to the patrol supervisor with a note listing all items (including the Naloxone kit) that were used.

G. It shall be the responsibility of the patrol supervisor to maintain a written inventory of Naloxone and to replace the used supply.

4. PROCEDURE

A. When Sworn personnel arrive at the scene of a medical emergency prior to Fire or Paramedic arrival, the Officer shall take the following steps:

1. The following equipment will be brought into the scene:

   a) Naloxone kit
b) First aid bag

c) A.E.D.

2. Ensure the scene is safe,

3. Don appropriate Personal Protective Equipment,

4. Assess the need for medical treatment of the person consistent with Department policies, procedures and training. This includes obtaining statements from witnesses and/or family members regarding drug use.

5. Request Fire and Paramedics if not already enroute,

6. Provide first aid to the person consistent with first responder training,

7. Continue to observe and provide first aid until Fire or Paramedics arrive.

B. If an Officer determines that the person is likely suffering from an opiate overdose, the Officer is authorized to administer Naloxone consistent with the policy and training of the West Valley-Mission CCD Police Department and the Santa Clara County Emergency Medical Services Agency (EMSA).

1. The application of an AED and/or administration of CPR shall take precedence over Naloxone administration for those patients who meet the AED/CPR criteria.

2. It is recommended that no less than two Sworn personnel are present at the time of Naloxone administration.

3. Upon arrival of Fire and Paramedics, the administering officer shall advise the EMS personnel of the administration of the nasal Naloxone, the time administered, and any changes in the patient condition.

4. As soon as possible and practical, a supervisor will be notified immediately.

C. An incident report shall be prepared anytime Naloxone is administered. The report shall be titled “Medical Aid – Naloxone Deployment”.

1. The incident report shall detail the following:

   a. Nature of the incident and notification

   b. Patient information and condition upon arrival

   c. How it was determined there was a suspected opiate overdose
d. Naloxone administration details including time of administration, who was present, outcome of the administration, any control number of the Naloxone/kit, responding Fire and Paramedic unit numbers, and the hospital the patient was transported to.

D. A copy of the report shall be forwarded to the Chief of Police, Lieutenant, and police supervisor. Those Department members and others as deemed necessary, shall conduct a review of the incident. The purpose of the review is to discuss the effectiveness of the Naloxone administration and determine if changes to the program are necessary.

7/11/23
EMS Form913_1.pdf
## Law Enforcement Naloxone Utilization

*Please submit to reports@ems.sccgov.org within four (4) days or 96 hours for each naloxone administration*

<table>
<thead>
<tr>
<th>Date of Incident:</th>
<th>Time On Scene:</th>
<th>Date of submission to EMS:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Law Enforcement Agency Name:</th>
<th>Law Enforcement Officer Name:</th>
<th>Location of Incident:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Address:</th>
<th>Nature of Incident:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Patient’s Name (if known):</th>
<th>Patient’s Age</th>
<th>Patient’s Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Was Patient conscious?</th>
<th>Yes</th>
<th>No</th>
<th>Comments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was Patient breathing?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
<tr>
<td>Did Patient have a pulse?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
<tr>
<td>Was CPR performed?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
<tr>
<td>Was an AED used?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
<tr>
<td>Was Naloxone administered?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
<tr>
<td>Was Patient transported?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
<tr>
<td>Report given to EMS?</td>
<td>Yes</td>
<td>No</td>
<td>Comments:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time of administration of 1st Dose:</th>
<th>Patient Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time of administration of 2nd Dose:</th>
<th>Patient Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time of administration of 3rd Dose:</th>
<th>Patient Response:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Time of EMS Arrival:</th>
<th>How was it determined the patient was suspected of an opiate overdose?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SE Guidelines v4.pdf
Background
Officers may request to work secondary / outside work while employed by the West Valley-Mission Community College District. All outside work must be approved by the officer’s chain of command including written approval by the Chief of Police prior to the officer working the outside employment. This is to reduce and prevent conflicts of interest and monitors the number of outside work hours an employee is working while employed as a West Valley-Mission District police officer, in compliance with Department Policy 1040, Outside Employment.

Procedure
Officers will complete an outside work application and submit for approval to their immediate supervisor prior to beginning the outside employment. The supervisor will forward the application through the chain of command to the Chief of Police for the Chief’s consideration and written approval. Officers must complete one application for each outside employer/employment.

At the end of each month the officer will submit a secondary employment tracking sheet to their immediate supervisor along with their regular time sheets. Officers may combine outside employment hours on one secondary employment tracking sheet as long as all hours worked are in the same month and the officers list the different employers on the tracking sheet.

Officers understand that they may work as Reserve police officers for only one department while employed as West Valley-Mission District police officers.

California Penal Code Section 70
- The employee must obtain all necessary written approvals for the employment. [see 70(c)(1), (d)(1), and (1).]
- The employment must not be prohibited by law, the written regulations or policies of the District, or by a collective bargaining agreement between the District and the recognized employee organization. [see 70(e)(1) and (e)(2).]
- The wearing of uniforms and equipment must be approved by the principal employer. [see 70(c)(1), and (d)(1)(C).]
- The peace officer is subject to reasonable rules and regulations of the agency for which he or she is a peace officer. [see 70(c)(1), and (d)(1)(D).]
- If an employer withholds consent to allow a peace officer to engage in or be employed in other employment while off duty, the employer shall, at the time of denial, provide the reasons for denial in writing to the peace officer. [see 70(e)(3).]

I have read and understand the secondary employment guidelines.

Employee Name (Print) _____________________________________________

Employee Signature_________________________________________ Date_________________

Supervisor’s Signature Approval_________________________ Date_________________
West Valley-Mission College District Police  
Secondary Employment Tracking Sheet

Officer:_______________________________________________________________
Month/Year:___________________________________________________________
Location/Name of Employer(s):____________________________________________

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours Worked</th>
<th>Name of Employer and Location</th>
</tr>
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Supervisor Approval:___________________________________________Date:____________________
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
POST Mission Statement

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities.
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FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor’s Report, titled “Hate Crimes in California,” found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven “top-down” process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency’s jurisdiction.
# TABLE OF CONTENTS

Policy Guidelines ......................................................................................................................................................1
Minimum Legal Requirements for an Agency’s Hate Crimes Policy .................................................................3
Model Policy Framework ........................................................................................................................................5
  Purpose ...........................................................................................................................................................5
  Policy ............................................................................................................................................................5
  Response, Victim Assistance and Follow-up ............................................................................................5
    Initial response ....................................................................................................................................5
    Investigation ........................................................................................................................................7
    Supervision ...........................................................................................................................................8
  Training ...........................................................................................................................................................9
  Planning and Prevention ...........................................................................................................................10
    Release of Information .....................................................................................................................11
  Reporting ....................................................................................................................................................11
Checklist for the Agency’s Policy Creation .......................................................................................................13
Appendix ................................................................................................................................................................15
  Definitions and Laws ................................................................................................................................15
  Statutes and Legal Requirements ............................................................................................................19
    Felonies ..................................................................................................................................................19
    Misdemeanors .......................................................................................................................................19
    Enhancements .......................................................................................................................................19
  Reporting ....................................................................................................................................................20
  Training and Policy Requirements ............................................................................................................20
  Miscellaneous Provisions ........................................................................................................................20
  Hate Crimes First Responder Checklist .....................................................................................................21
POLICY GUIDELINES

GUIDELINE #1
Develop the foundation for the agency’s hate crimes policy.

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency’s hate crimes policy. Employees’ ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

GUIDELINE #2
Develop a hate crimes policy for the agency.

I. An agency’s hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
   A. Response
   B. Training
   C. Planning and Prevention
   D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar “Message from the Agency Chief Executive”.

GUIDELINE #3
Develop expertise to identify and investigate hate crimes.

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

GUIDELINE #4
Develop and implement cooperative hate crimes plans with other law enforcement agencies.

I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.

II. Develop and/or participate in law enforcement intelligence networks to enhance the agency’s ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

GUIDELINE #5
Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.

I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
   • Develop a network to build rapport with community groups
• Develop a protocol for response to hate crimes
• Obtain witness and victim cooperation
• Provide support services to victims
• Collect demographic information about specific communities
• Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
• Identify periods of increased vulnerability based on significant dates and events for affected communities

II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

GUIDELINE #6
Conduct an annual assessment of the agency’s hate crimes policy and its ongoing implementation.

The assessment should include:

I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.

II. A review and analysis of the agency’s data collection, policy, and annual mandated reporting of hate crimes.

III. A review and updating of the agency’s hate crimes brochure to ensure compliance with CPC 422.92.

IV. A review of any existing or available data or reports, including the annual California Attorney General’s report on hate crimes, in preparation for, and response to, future hate crime trends.

V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency’s responsiveness to hate crimes.
MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY’S HATE CRIMES POLICY

CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency’s chief executive officer to the agency’s officers and staff concerning the importance of hate crime laws and the agency’s commitment to enforcement.

2. The definition of “hate crime” in Penal Code section 422.55.

3. References to hate crime statutes including Penal Code section 422.6.

4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
   a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
   b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
   c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
   d. Providing victim assistance and follow-up, including community follow-up.
   e. Reporting

CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.

2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.

3. Information regarding bias motivation
   a. For the purposes of this paragraph, “bias motivation” is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
   i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse
fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes and a plan for the agency to remedy this underreporting (emphasis added).

c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.

d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency’s hate crimes brochure, as required by Section 422.92.

e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.

g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.
MODEL POLICY FRAMEWORK

Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

Response, Victim Assistance and Follow-up

Initial response

First responding officers should know the role of all department personnel as they relate to the agency’s investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency’s permission).
2. Stabilize the victim(s) and request medical attention when necessary.

3. Ensure the safety of victims, witnesses, and perpetrators.
   a. Issue a Temporary Restraining Order (if applicable).

4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.

6. Collect and photograph physical evidence or indicators of hate crimes such as:
   a. Hate literature.
   b. Spray paint cans.
   c. Threatening letters.
   d. Symbols used by hate groups.

7. Identify criminal evidence on the victim.

8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
   a. Identity of suspected perpetrator(s).
   b. Identity of witnesses, including those no longer at the scene.
   c. The offer of victim confidentiality per Government Code (GC) 5264.
   d. Prior occurrences, in this area or with this victim.
   e. Statements made by suspects; exact wording is critical.
   f. The victim’s protected characteristics and determine if bias was a motivation “in whole or in part”\(^1\) in the commission of the crime.

   1. “Bias motivation” is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

   (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

\(^1\)See Appendix, page 15, for definition
who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).

12. Provide the agency’s Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).

13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).

14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

**Investigation**

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).

4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.
5. Collect and photograph physical evidence or indicators of hate crimes such as:
   a. Hate literature.
   b. Spray paint cans.
   c. Threatening letters.
   d. Symbols used by hate groups.
   e. Desecration of religious symbols, objects, or buildings.

6. Request the assistance of translators or interpreters when needed to establish effective communication.

7. Conduct a preliminary investigation and record information regarding:
   a. Identity of suspected perpetrator(s).
   b. Identity of witnesses, including those no longer at the scene.
   c. Offer of victim confidentiality per GC 5264.
   d. Prior occurrences, in this area or with this victim.
   e. Statements made by suspects; exact wording is critical.
   f. Document the victim's protected characteristics.

8. Provide victim assistance and follow-up.

9. Canvass the area for additional witnesses.

10. Examine suspect’s social media activity for potential evidence of bias motivation.

11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.

13. Determine if the incident should be classified as a hate crime.

14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
   a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
   b. Provide ongoing information to the victim about the status of the criminal investigation.
   c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).

15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.

16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.
Supervision

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

1. Provide immediate assistance to the crime victim by:
   a. Expressing the law enforcement agency’s official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
   b. Expressing the department’s interest in protecting victims’ anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
   c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).

2. Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).

5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.

6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)

7. Respond to and investigate any reports of hate crimes committed under the color of authority.

8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf

9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/designee to send the data to the Joint Regional Information Exchange System.

10. Make a final determination as to whether the incident should be classified as a hate crime.
Training
All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department’s hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims’ considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at www.post.ca.gov. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

Planning and Prevention
The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency’s plan to remedy this underreporting shall be inserted into the policy (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency’s concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.
6. Review the Attorney General’s latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.²

7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim’s family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

Release of Information

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

²As described in CPC 13519.6(b)(8)
1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.

2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.

3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.

4. Providing the community with ongoing information regarding hate crime and/or hate incidents (if policy requires it).

**Reporting**

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.

2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.

3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.

4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.
Checklist for the agency’s policy creation

☐ Message from the law enforcement’s agency’s chief executive is included
☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.

☐ Definition of “hate crime” included from:
  ☐ CPC 422.55
  ☐ CPC 422.56
  ☐ CPC 422.6

☐ Title by title specific protocol regarding:
  ☐ Prevention
    ☐ Is contact is established with identified persons and/or communities who are likely targets?
    ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
    ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?

  ☐ Response
    ☐ Requirement that all hate crimes be properly investigated and supervised
    ☐ Requirement that any hate crimes committed under the color of authority are investigated

  ☐ Accessing Assistance
    ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary

  ☐ Victim assistance and follow-up

  ☐ Reporting
    ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023

  ☐ Training
    ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
      ☐ Does the checklist include first responder responsibilities include:
        ☐ Determining the need for additional resources if necessary?
        ☐ Referral information for appropriate community and legal services?
        ☐ The requirement to provide the agency’s hate crimes brochure per CPC 422.92?

    ☐ Information regarding bias motivation from CPC 422.87
    ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes

☐ Definitions of terms used in the policy are listed

☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
  ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed

☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.

☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive’s designee.
APPENDIX
Definitions and Laws
In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Hate crime
“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

1. Disability.
2. Gender.
3. Nationality.
4. Race or ethnicity.
5. Religion.
7. Association with a person or group with one or more of these actual or perceived characteristics.
   (b) “Hate crime” includes, but is not limited to, a violation of Section 422.6.
      “Association with a person or group with these actual or perceived characteristics” Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

Hate Speech
The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

Hate incident
A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property
**Bias Motivation**

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

**Disability Bias**

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator’s motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Disability**

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**Gender**

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person’s gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person’s gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person’s assigned sex at birth.

**In Whole or In Part**

“In whole or in part because of” means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

**Nationality**

Nationality includes citizenship, country of origin, and national origin.
**Race or Ethnicity**
Race or ethnicity includes ancestry, color, and ethnic background.

**Religion**
Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Sexual orientation**
Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim**
Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public.
Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

Definitions

CPC 422.55 - Provides general definition of hate crimes in California.
CPC 422.56 - Provides definitions of terms included in hate crimes statutes.
GC 12926 - Disability-related definitions applicable to some hate crime statutes.

Felonies

Hate Crimes

CPC 422.7 - Commission of a crime for the purpose of interfering with another’s exercise of civil rights.

Related Crimes

CPC 190.2(a)(16) - Homicide penalties related to certain hate crime related acts.
CPC 190.03(a) - Homicide penalties related to certain hate crime related acts.
CPC 288(b)(2) - Sexual assault of dependent person by caretaker
CPC 368(b) - Dependent adult abuse generally - may apply as disability-related hate crime.
CPC 594.3 - Vandalism of places of worship.
CPC 11412 - Causing or attempting to cause other to refrain from exercising religion by threat.
CPC 11413 - Arson or destructive device at place of worship.

Misdemeanors

Hate Crimes

CPC 422.6 - Use of force, threats, or destruction of property to interfere with another’s exercise of civil rights.
CPC 422.77 - Violation of civil order (Bane Act) protecting the exercise of civil rights

Related Crimes

CPC 302 - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.
CPC 538(c) - Unauthorized insertion of advertisements in newspapers and redistribution to the public.
CPC 640.2 - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.
CPC 11411 - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.


**Enhancements**

*CPC 190.2(a)(16)* - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

*CPC 190.3* - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

*CPC 422.75* - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

*CPC 1170.8* - Enhancement for robbery or assault at a place of worship.

*CPC 1170.85(b)* - Felony assault or battery enhancement due to age or disability.

**Reporting**

*CPC 13023* - Requirement for law enforcement agencies to report hate crime data to DOJ.

*WI 15630* – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

**Training and Policy Requirements**

*CPC 422.87* - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

*CPC 13519.6* - Defines hate crime training requirements for peace officers.

*CPC 13519.41* - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

**Miscellaneous Provisions**

*CPC 422.78* - Responsibility for prosecution of stay away order violations.

*CPC 422.86* - Public policy regarding hate crimes.

*CPC 422.89* - Legislative intent regarding violations of civil rights and hate crimes

*CPC 422.92* - Hate crimes victims brochure requirement for law enforcement agencies.

*CPC 422.93* - Protection of victims and witnesses from being reported to immigration authorities.

*GC 6254* - Victim confidentiality.
# HATE CRIME CHECKLIST

<table>
<thead>
<tr>
<th>Victim Type:</th>
<th>Target of Crime (Check all that apply):</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Individual</td>
<td>□ Person □ Private property □ Public property</td>
</tr>
<tr>
<td>Legal name (Last, First):</td>
<td>Other</td>
</tr>
<tr>
<td>Other Names used (AKA):</td>
<td></td>
</tr>
<tr>
<td>□ School, business or organization</td>
<td>□ Bodily injury □ Threat of violence</td>
</tr>
<tr>
<td>Name:</td>
<td>□ Property damage</td>
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<tr>
<td>Type:</td>
<td>□ Other crime:</td>
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<tr>
<td>(e.g., non-profit, private, public school)</td>
<td>Property damage - estimated value</td>
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<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>□ Faith-based organization</td>
<td></td>
</tr>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Faith:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
</tbody>
</table>

## BIAS

### Type of Bias

(Choose all characteristics that apply):

- Disability
- Gender
- Gender identity/expression
- Sexual orientation
- Race
- Ethnicity
- Nationality
- Religion
- Significant day of offense (e.g., 9/11, holy days)
- Other:

Specify disability (be specific):

## Actual or Perceived Bias – Victim’s Statement:

- Actual bias [Victim actually has the indicated characteristic(s)].
- Perceived bias [Suspect believed victim had the indicated characteristic(s)].

*If perceived, explain the circumstances in narrative portion of Report.*

### Reason for Bias:

- Do you feel you were targeted based on one of these characteristics?
- Yes □ No □ Explain in narrative portion of Report.

- Do you know what motivated the suspect to commit this crime?
- Yes □ No □ Explain in narrative portion of Report.

- Do you feel you were targeted because you associated yourself with an individual or a group?
- Yes □ No □ Explain in narrative portion of Report.

- Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
- Yes □ No □ Describe in narrative portion of Report.

- Are there indicators the suspect is affiliated with a criminal street gang?
- Yes □ No □ Describe in narrative portion of Report.

### Bias Indicators (Check all that apply):

- Hate speech □ Acts/gestures □ Property damage □ Symbol used

- Written/electronic communication □ Graffiti/spray paint □ Other: __________________________

*Describe with exact detail in narrative portion of Report.*

## HISTORY

### Relationship Between Suspect & Victim:

- Suspect known to victim? Yes □ No □
- Nature of relationship: __________________________
- Length of relationship: __________________________

*If Yes, describe in narrative portion of Report*

### Prior reported incidents with suspect? Total # __________________________

### Prior unreported incidents with suspect? Total # __________________________

### Restraining orders? Yes □ No □

*If Yes, describe in narrative portion of Report*

### Type of order: __________________________ Order/Case# __________________________

## WEAPONS

- Weapon(s) used during incident? Yes □ No □ Type: __________________________
- Weapon(s) booked as evidence? Yes □ No □

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
# HATE CRIME CHECKLIST

**EVIDENCE**

<table>
<thead>
<tr>
<th>Witnesses present during incident?</th>
<th>□ Yes</th>
<th>□ No</th>
<th>Statements taken?</th>
<th>□ Yes</th>
<th>□ No</th>
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<tbody>
<tr>
<td>Evidence collected?</td>
<td>□ Yes</td>
<td>□ No</td>
<td>Recordings:</td>
<td>□ Video</td>
<td>□ Audio</td>
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<tr>
<td>Photos taken?</td>
<td>□ Yes</td>
<td>□ No</td>
<td>Suspect identified:</td>
<td>□ Field ID</td>
<td>□ By photo</td>
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<tr>
<td>Total # of photos:</td>
<td></td>
<td></td>
<td>D#:</td>
<td></td>
<td></td>
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<tr>
<td>Taken by:</td>
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<td></td>
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</table>

**OBSERVATIONS**

<table>
<thead>
<tr>
<th>VICTIM</th>
<th>SUSPECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Tattoos</td>
<td>□ Tattoos</td>
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<tr>
<td>□ Shaking</td>
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<tr>
<td>□ Unresponsive</td>
<td>□ Unresponsive</td>
</tr>
<tr>
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<td>□ Crying</td>
</tr>
<tr>
<td>□ Scared</td>
<td>□ Scared</td>
</tr>
<tr>
<td>□ Angry</td>
<td>□ Angry</td>
</tr>
<tr>
<td>□ Fearful</td>
<td>□ Fearful</td>
</tr>
<tr>
<td>□ Calm</td>
<td>□ Calm</td>
</tr>
<tr>
<td>□ Agitated</td>
<td>□ Agitated</td>
</tr>
<tr>
<td>□ Nervous</td>
<td>□ Nervous</td>
</tr>
<tr>
<td>□ Threatening</td>
<td>□ Threatening</td>
</tr>
<tr>
<td>□ Apologetic</td>
<td>□ Apologetic</td>
</tr>
<tr>
<td>□ Other observations:</td>
<td>□ Other observations:</td>
</tr>
</tbody>
</table>

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

- Has suspect ever threatened you? □ Yes □ No
- Has suspect ever harmed you? □ Yes □ No
- Does suspect possess or have access to a firearm? □ Yes □ No
- Are you afraid for your safety? □ Yes □ No
- Do you have any other information that may be helpful? □ Yes □ No

**Resources offered at scene:** □ Yes □ No Type:

**MEDICAL**

- □ Victim □ Suspect
- Declined medical treatment
- Will seek own medical treatment
- Received medical treatment

<table>
<thead>
<tr>
<th>Paramedics at scene?</th>
<th>□ Yes</th>
<th>□ No</th>
<th>Unit #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s)/ID #:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hospital:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jail Dispensary:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physician/Doctor:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Patient #:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Form 05.03.00, signed?** □ Yes □ No

**Officer (Name/Rank)**

**Date**

**Officer (Name/Rank)**

**Date**

**Supervisor Approving (Name/Rank)**

**Date**

POST 05/19
RETIREE FIREARMS PURCHASE REQUEST AND AGREEMENT

Pursuant to West Valley-Mission CC District Police Department (WVMPD) Policy 218, I request to purchase my issued duty service firearm as described below upon my service retirement from the West Valley-Mission CC District. I understand that WVMPD will make the necessary registration transfer to the California Department of Justice as required. I agree that any subsequent notifications (address changes, etc.), are my sole responsibility.

I have read and understand WVMPD Policy 218 regarding the possession and use of a CCW endorsement associated with my retirement, including identification and endorsement requirements.

I agree that upon my retirement and transfer of the firearm, it becomes my sole property and responsibility. It is received in “as is” condition with no warranty, specific, implied, or otherwise, and acknowledge that the West Valley-Mission CC District/Department does not guarantee the condition of the firearm. The District/Department, its officers, directors, employees, agents, designated volunteers, sureties, and each of them, and anyone working on their behalf (“Release Parties”) are in no way responsible for the firearm’s proper use and service. I assume all risks and liabilities associated with this transfer and acknowledge that the Release Parties shall have no liability for errors, malfunctions, defects, or any loss resulting from or relating to the sale, use, possession, or ownership of this firearm as well as any wrongful death, indirect, or punitive damages, including, without limitation, commercial or economic loss, related to the sale, use, possession, or ownership of the firearm.

I release the District/Department, its officers, directors, employees, agents, designated volunteers, sureties, and each of them, and anyone working on their behalf and agree to defend, indemnify, and hold them harmless from and against any loss, damage, including but not limited to reasonable attorney, consultant, and expert fees and/or court costs, directly or indirectly arising out of or in connection with the safe use, possession, or ownership of the firearm.

FIREARM MAKE & MODEL:

SERIAL NUMBER:

RETIREE SIGNATURE: ___________________________ Date: ______________________

RETIREE NAME (PRINT): ______________________________________________________

Chief of Police Approval: ___________________________ Date: ______________________

Exec. Director General Services Approval: ___________________________ Date: ______________

DOJ Transfer Completed: ___________________________ Date: ______________________

Equipment Inventory Updated: ___________________________ Date: _____________________
The report writing format consists of five sections used to document all pertinent facts in a given situation. These sections are:

- LISTED INFORMATION
- SYNOPSIS
- NARRATIVE
- EVIDENCE/PROPERTY
- ADDITIONAL INFORMATION

The first section, LISTED INFORMATION, is designed to capture information that does not fit on the face sheet and is listed elsewhere in the report. This information can include continuation of specific items from the face sheet of the report, additional charges that do not fit in box provided on the face sheet and any attachments to the report.

This section is not to be used for listing elements of the crime, synopsis, evidence, statements or other additional information. This type of information is written as part of the SYNOPSIS, NARRATIVE, EVIDENCE/PROPERTY or ADDITIONAL INFORMATION.

The second section, SYNOPSIS, will follow LISTED INFORMATION and will be used only if the synopsis of the crime does not fit on the face sheet. The SYNOPSIS is designed to provide the reader with a very brief overview of the reported crime/incident. To accomplish this, it should briefly outline the following details:

- The date, time and location of the crime/incident.
- The actions which constitute the completion of the elements of the crime.
- The final disposition of the suspect(s) in the case. For example, document if the suspect was cited, booked, hospitalized, etc.

The synopsis should normally consist of a single paragraph containing 5-7 sentences. It is not designed to provide all of the details of the crime or the actions taken by the officers; these details are documented in detail in the NARRATIVE section.

The third section, NARRATIVE, is designed to allow the writer to document all of the necessary facts for a particular crime/incident in straightforward, chronological manner. In other words, the writer should simply start at the beginning of an incident and write exactly what actions were taken and the order in which they were taken. This is done from the officer’s point of view as to when the call was dispatched or when the offense was observed by the officer as opposed to the victim/RP’s point of view when the offense occurred.
Part of the NARRATIVE section is STATEMENTS and INJURIES. As the officer writes the report chronologically of what actions were taken, statements from the victims, witnesses, reporting parties, suspects or other involved persons would be described as they occur. One example of this is shown below:

**NARRATIVE:**
On 10/10/96, at 2100 hours, I was dispatched to 129 Main Street, San Jose on a report of a man with a gun. Upon arrival at 2103 hours, I observed Witness Jones waving at me to pull over. I contacted Witness Jones who told me what had occurred.

**STATEMENT OF WITNESS JONES**
Jones told me that she had seen a white male running from......

At the conclusion of the statement, the officer would then describe the next action taken chronologically. This could be a search for the suspect, contact with the victim or other actions taken. If another person is contacted who then gives a statement, then it will be listed as shown above. If there are any injuries, then they will be listed before the statement of the person who is injured. This includes any officers who may have been injured. An example of this is shown below:

**NARRATIVE:**
On 10/10/96, at 2100 hours, I was dispatched to 129 Main Street, San Jose on a report of a man with a gun. Upon arrival at 2103 hours, I observed Witness Jones waving at me to pull over. I contacted Witness Jones who told me what had occurred.

**STATEMENT OF WITNESS JONES**
Jones told me that she had seen a white male running from......

I then approached the hours located at 129 Main Street, San Jose with Officer R. Smith #1234. After knocking on the front door and announcing our presence, the front door was opened by Victim Johnson. I saw that Victim Johnson was crying and had a bloody lip. She told us what had occurred.

**INJURIES TO VICTIM JOHNSON**
Johnson had...... (Describe the injuries, any actions taken to treat the injuries and whether the injuries required admission to the hospital or other medical care. Include the treating DR., hospital and if applicable medical units, fire/MEDEVAC, who provided care).

**STATEMENT OF VICTIM JOHNSON**
Johnson said that she and her husband, Robert Johnson, were at home. She said they started to argue .....
pistol in his possession. Several minutes later I received a radio report that Officer R. Bills #2345 had located a person matching Robert Johnson's description and that he had him stopped several blocks away. I drove to Officer Bill's location and saw that he was speaking to a person who matched the description provided by the victim. As I walked up to them, I said, "Hello Robert," and the person looked at me and said, "I don't have a gun." I then asked him if he was Robert Johnson, and he said, "Yes." I noticed that he had a small cut on his forehead I asked Johnson if he wanted to give me his side of the story and he said, "Yes." I read him his Miranda rights from my department issued Miranda card. Johnson said that he didn't think he needed a lawyer and wanted to tell me what happened.

INJURY TO SUSPECT R. JOHNSON
A small cut on forehead over left eye. Cut was about 1” long and was not bleeding.

STATEMENT OF SUSPECT JOHNSON
Johnson said that he and his wife, Victim Johnson, were home.....

Write statements given to you using the third-person, past tense sentence construction, e.g. The suspect ran southbound on Monterey Road, or Johnson told me that Robert Johnson, the suspect, hit her twice with his right closed fist. The exception to this is when an officer is referring to actions that he/she took, in which case first-person, past tense sentence construction is to be used, e.g. I booked the suspect into jail. Suspect statements should be preceded by a description of who read the suspect his/her Miranda rights, if required based on the situation (Beheler) and the suspect's responses to the waiver questions. A line should be skipped every time the officer starts a STATEMENT or INJURY paragraph to separate it from the main body of the NARRATIVE. This allows someone reading the report to immediately find STATEMENTS and INJURIES without reading the entire report. If another officer is present during an interview of an involved party, list the officer's name and badge number. The reason for this is that if the reporting officer is not available, the Deputy District Attorney can subpoena the other officer to testify at preliminary examination as to what was said.

When writing statements in the report, use the last name of the person, e.g. Jones said that he went to...... The exceptions to this are when the victims and suspects have the same last name, then use the first initial and last name e.g. R. Jones said that he and E. Jones were going...... For certain offenses, i.e.: sex, child abuse, domestic violence, etc. there is a restriction on the release of information about the victim of these crimes. For Santa Clara County there are two alternatives for listing these victims in a crime/incident report. The alternatives are:

1. Fill in the Victim information on the face sheet or additional victim/witness sheet and check the confidentiality check box. In the narrative, refer to the victim as "Victim" or in the case of multiple victims, "Victim 1," "Victim 2," etc, or....

2. Use the first name and last initial of the victim, i.e. Jennifer L. or Robert B.
The fourth section, EVIDENCE/PROPERTY, is used to describe any property taken, property found or evidence found. For found property and items of evidence, it should describe the item where it was found and who collected it. If a firearm is taken as evidence, describe whether it was loaded, and the number of rounds of ammunition. If the incident is a major crime and the agency has crime scene technicians, then note in this section, "Refer to ....... report." If a separate property or evidence form is used which describes the information above, then this section is not required.

The fifth section, ADDITIONAL INFORMATION, is a free form section that can be used to list administrative information, Participating Law Enforcement Officers (PLEO’s), other factors that are not appropriate for the narrative, recommendations for follow-up or case filing or any other information that meets the needs of the agency. There are no restrictions on the information as long as it does not conflict with the information already in the report or that confuses the reader. If there is no information in this section it may be omitted.

When writing a crime/incident report, it is not necessary to write something in each section if there is not information available or applicable. An example would be if there were no INJURIES then that portion is not required. In some cases such as a report with no suspects or witnesses and little chance of recovering property, the entire format may be omitted by writing a simple synopsis on the face sheet.

The goal of this format is to provide a framework from which, you as the officer can prepare crime/incident reports that describe the crime/incident in a logical chronological manner and insures that cases submitted to the District Attorney support the prosecution of the offender.

A recap of the format is shown below:

**LISTED INFORMATION** (If not needed, don’t use)
- Face Sheet Continuation
- Additional Charges
- Attachments

**SYNOPSIS** (If already on the face sheet, don’t use)
5-7 sentences that describes the time, date, location occurred along with the elements of the offense and the disposition of the suspect.

**NARRATIVE** (Chronological from the Officer’s Viewpoint) First-person, past tense, sentences that describe the Officer’s Actions

**INJURIES** to the victims, suspect, officer, etc. Describe the location and type. **STATEMENTS** of victims, witnesses, RP’s, suspects or others. Use third person, past tense sentences.

**EVIDENCE/PROPERTY** (If not needed or on another form, don’t use)
- Listing of property taken
- Listing of property recovered
- Listing of Evidence found, the location, who found it, who collected it and where it is stored.
ADDITIONAL INFORMATION (If not needed, don’t use)
Free form section for listing other pertinent information related to the event, Participating Law Enforcement Officers, and recommendation for follow-up or case filing.
# Application for Outside Work

## Employee

<table>
<thead>
<tr>
<th>Last Name</th>
<th>First Name</th>
<th>Badge #</th>
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## Name of Employer

<table>
<thead>
<tr>
<th>Name of Employer</th>
<th>Number of Hours per Week</th>
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<tbody>
<tr>
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<table>
<thead>
<tr>
<th>Employer Address</th>
<th>Employer Phone</th>
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<thead>
<tr>
<th>Work Site Location if Different</th>
<th>When is anticipated start date? Or when did employment begin?</th>
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<table>
<thead>
<tr>
<th>Contact Person / Supervisor</th>
<th>Phone</th>
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### Is this uniformed outside work? Yes No

I will be wearing a West Valley-Mission District Police Uniform Yes No

If No what uniform will be worn ____________________________

### Description of outside work duties:

<table>
<thead>
<tr>
<th>Description of outside work duties:</th>
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</table>

### I have read and understand Penal Code Sections 70 (c, d & e [3]) Yes No

I have notified my chain of command of my intention to work this outside work. _______

I understand that I must renew this permit every July 1st and that if I terminate this outside work that I will notify my supervisor within 10 days of terminating the employment. _______

I understand and agree that if this request is approved, the chief of police may end or modify my outside work activities at his or her discretion.

## Signature Details

**Employee Signature** ____________________________ **Date** __________

**Supervisor’s Signature Approval** ____________________________ **Date** __________

**Intermediate Supervisor** ____________________________ **Date** __________

**Chief of Police** ____________________________ **Date** __________
Tracking Sheet.pdf
West Valley-Mission College District Police  
Secondary Employment Tracking Sheet

Officer: ________________________________

Month/Year: ________________________________

Location/Name of Employer(s): ________________________________

<table>
<thead>
<tr>
<th>Date</th>
<th>Hours Worked</th>
<th>Location</th>
<th>Date</th>
<th>Hours Worked</th>
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Supervisor Approval: ___________________________ Date: ____________________
DOMESTIC VIOLENCE PROTOCOL
FOR
LAW ENFORCEMENT
2018

Police Chiefs’ Association
of
Santa Clara County

Adopted March 2018
POLICY STATEMENT

Domestic violence is a serious community problem which affects individuals of all races, religions, sexual orientations, gender identities, and socio-economic backgrounds. It impacts people of all ages including seniors and juveniles.

Santa Clara County Law Enforcement Agencies, in conjunction with the Santa Clara County District Attorney’s Office, agree to respond to acts of domestic violence as crimes. Victims of domestic violence will be treated with respect and dignity and will be given all available assistance by law enforcement personnel responding to an incident of domestic violence.

The Domestic Violence Protocol for Law Enforcement provides guidelines and establishes standards for public safety call-takers, dispatchers, first responders and investigators in handling domestic violence incidents. The Protocol seeks to interpret and apply statutory and case law relating to domestic violence incident response and investigation. Particular attention is given to protecting victims of domestic violence, including children, other members of the household and pets, through enforcement of restraining orders, medical care, and working with support agencies to provide alternate shelter, relocation services, counseling and legal services. Local agency training programs and materials will supplement information provided in the Protocol.

All Law Enforcement Agencies must have written policies and standards for officers’ responses to domestic violence calls (PC 13701).

This protocol will be updated annually as new legislation, research and best practices are reviewed periodically by the Domestic Violence Council Protocol sub-committee in order to maintain an effective and sensitive response by the law enforcement community to this serious problem. The College and University Police Chiefs also support this protocol. Significant changes in the protocol for 2018 are highlighted in bold text.

Chief Michael Sellers
Chair, Police Chiefs’ Assoc. of Santa Clara County

Chief Kenneth Tanaka
Chair, College and University Police Chiefs’ Assoc. of Santa Clara County

Date

July 5, 2018
POLICE CHIEFS’ ASSOCIATION OF SANTA CLARA COUNTY
MEMBERSHIP

- CALIFORNIA HIGHWAY PATROL
  Captain Ceto Ortiz

- CAMPBELL POLICE DEPARTMENT
  Chief David Carmichael

- GILROY POLICE DEPARTMENT
  Interim Chief Scot Smithee

- MOUNTAIN VIEW POLICE DEPARTMENT
  Chief Max Bosel

- PALO ALTO POLICE DEPARTMENT
  Chief Robert Jonsen

- SAN JOSE POLICE DEPARTMENT
  Chief Edgardo Garcia

- LOS ALTOS POLICE DEPARTMENT
  Chief Andy Galea

- GILROY POLICE DEPARTMENT
  Interim Chief Scot Smithee

- LOS GATOS- MONTE SERENO POLICE DEPARTMENT
  Chief Michael D’Antonio

- SAN JOSE STATE UNIVERSITY POLICE DEPARTMENT
  Chief Peter Decena

- SANTA CLARA COUNTY DISTRICT ATTORNEY’S OFFICE
  D.A. Jeffrey Rosen

- MILPITAS POLICE DEPARTMENT
  Chief Armando Corpuz

- SANTA CLARA COUNTY SHERIFF’S OFFICE
  Sheriff Laurie Smith

- MORGAN HILL POLICE DEPARTMENT
  Chief David Swing

- SANTA CLARA POLICE DEPARTMENT
  Chief Michael Sellers

- SUNNYVALE DEPARTMENT OF PUBLIC SAFETY
  Chief Phan Ngo

COLLEGE AND UNIVERSITY POLICE CHIEFS’ ASSOCIATION
OF SANTA CLARA COUNTY
MEMBERSHIP

- FOOTHILL- DE ANZA COLLEGE POLICE DEPARTMENT
  Chief Ronald Levine

- SAN JOSE CITY AND EVERGREEN COMMUNITY COLLEGE POLICE DEPARTMENT
  Chief Thomas Morales

- STANFORD DEPARTMENT OF PUBLIC SAFETY
  Chief Laura Wilson

- SAN JOSE STATE UNIVERSITY POLICE DEPARTMENT
  Chief Peter Decena

- WEST VALLEY-MISSION COLLEGE POLICE DEPARTMENT
  Chief Kenneth Tanaka
ACKNOWLEDGMENT

The Domestic Violence Protocol for Law Enforcement was developed in 1993 at the request of the Police Chiefs’ Association of Santa Clara County and the Domestic Violence Council. Participants:

Joyce Allegro, Judge, Santa Clara County Superior Court (retired)
Margaret Johnson, Judge, Santa Clara County Superior Court (retired)
Mike Barbieri, Sergeant, Los Gatos Police Department (retired)
Melanie Bertelsen, Sergeant, San Jose Police Department (retired)
Dave Bliss, Lieutenant, Mountain View Police Department (retired)
Jim Enslen, Captain, Mountain View Police Department (retired)
Karen Hildebrandt, Officer, San Jose Police Department (retired)
John Hughmanick, Sergeant, Los Altos Police Department (retired)
Don Olsen, Commander, Sunnyvale Department of Public Safety (retired)
Brad Zook, Captain, Palo Alto Police Department (retired)

We acknowledge those who reviewed the Domestic Violence Law Enforcement Protocol and recommended amendments and updates:

Cindy Seeley Hendrickson, Santa Clara County District Attorney’s Office (Chair)
Det. Jacob Abuel, Santa Clara County Sheriff’s Office
Det. Brendan Bligh, Campbell Police Department
Matthew Breaux, Supervisor, Santa Clara County Adult Protective Services
Rachel Busta, Manager, Next Door Solutions
Amy Caffrey, LMFT, Domestic Violence Council LGBTQ sub-committee Chair
Carolina Cardoza, DV Coordinator, Community Solutions
Det. Ruben Cortez, Sunnyvale Department of Public Safety
Det. Greg Dini, Morgan Hill Police Department
Phoenix Forbes, Legal Advocate, YWCA – Silicon Valley
Cynthia Hunter, Policy Analyst, Santa Clara County Office of Women’s Policy
Ingrid Infante, Advocate, Community Solutions
Mandana Mahdavi, Law Enforcement Coordinator, DFCS
Lindsey Mansfield, Crisis Support Manager, YWCA – Silicon Valley
Sylvia Mata, Supervisor, District Attorney Victim Services Unit
Det. Robert Medina, Mountain View Police Department
Det. Sgt. Dave Morris, Milpitas Police Department
Sgt. Steve Slack, San Jose Police Department
Det. Ricky Smith, Mountain View Police Department
Alma Tovar, Advocate, Community Solutions
Kimberly Warsaw, Santa Clara County Deputy County Counsel
Det. Jose Zuniga, Santa Clara County Sheriff’s Office
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFINITIONS</td>
<td>6</td>
</tr>
<tr>
<td>COMMON CHARGES</td>
<td>10</td>
</tr>
<tr>
<td>FREQUENTLY USED TELEPHONE NUMBERS</td>
<td>12</td>
</tr>
<tr>
<td>911 CALL-TAKER/DISPATCHER RESPONSE</td>
<td>14</td>
</tr>
<tr>
<td>PATROL OFFICER RESPONSE/INVESTIGATION</td>
<td>16</td>
</tr>
<tr>
<td>FOLLOW-UP INVESTIGATION</td>
<td>32</td>
</tr>
<tr>
<td>OBTAINING, SERVING AND ENFORCING RESTRAINING ORDERS</td>
<td>40</td>
</tr>
<tr>
<td>RESTRAINING ORDER ADMONITION</td>
<td>47</td>
</tr>
<tr>
<td>VICTIM ASSISTANCE</td>
<td>48</td>
</tr>
<tr>
<td>MILITARY SUSPECTS</td>
<td>50</td>
</tr>
<tr>
<td>JUVENILE SUSPECTS</td>
<td>50</td>
</tr>
<tr>
<td>LAW ENFORCEMENT SUSPECTS</td>
<td>51</td>
</tr>
<tr>
<td>CAMPUS ASSAULTS</td>
<td>51</td>
</tr>
<tr>
<td>TRAINING</td>
<td>52</td>
</tr>
<tr>
<td>ATTACHMENTS</td>
<td></td>
</tr>
<tr>
<td>• Domestic Violence Statutes</td>
<td>53</td>
</tr>
<tr>
<td>• Domestic Violence Flow Chart</td>
<td>54</td>
</tr>
<tr>
<td>• District Attorney's Office – Victim Services Unit</td>
<td>55</td>
</tr>
<tr>
<td>• Law Enforcement Relocation Verification Form</td>
<td>58</td>
</tr>
<tr>
<td>• Lethality Assessment for First Responders</td>
<td>59</td>
</tr>
<tr>
<td>• Conflicting Orders: What to Enforce When You Have Multiple Orders</td>
<td>62</td>
</tr>
<tr>
<td>• EPO-001 Emergency Protective Order Form</td>
<td>63</td>
</tr>
<tr>
<td>• California Secretary of State Safe at Home Program</td>
<td>65</td>
</tr>
<tr>
<td>• FM-1102 Other Orders - Property Removal</td>
<td>67</td>
</tr>
<tr>
<td>• EPO-002 Firearms Emergency Protective Order</td>
<td>68</td>
</tr>
<tr>
<td>• Santa Clara County Protocol for Relinquishment of Firearms and Ammunition Pursuant to Protective/Restraining Orders</td>
<td>70</td>
</tr>
<tr>
<td>• DV-200 Proof of Personal Service</td>
<td>73</td>
</tr>
<tr>
<td>• Findings Re Noncompliance with Order to Relinquish Guns, Firearms or Ammunition (Attachment FM-1124)</td>
<td>74</td>
</tr>
<tr>
<td>• Strangulation Resource Card</td>
<td>75</td>
</tr>
</tbody>
</table>
DEFINITIONS

A. **Abuse** means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another (13700(a) PC).

B. **Cohabitant** means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship (includes same gender relationships). Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouse/partner, (5) the continuity of the relationship, and (6) the length of the relationship (13700(b) PC).

C. **Cross-Reporting** refers to mandated reporting of suspected child abuse as required under 11165, 11166 and 11172(a) PC and mandated reporting of suspected abuse of elders and dependent adults as required under 15610, 15630 and 15640 WI.

D. **Dating Relationship** means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

E. **Deadly Weapon** means any weapon, the possession or concealed carrying of which is prohibited by Penal Code 16590.

F. **Domestic Violence** is abuse committed against an adult or any minor who is a spouse, former spouse, cohabitant, former cohabitant, a person with whom the suspect has had a child or is having or has had a dating or engagement relationship (13700(b) PC). Same gender relationships are included.

G. **Dominant Aggressor** means the person determined to be the most significant, rather than the first aggressor. In identifying the dominant aggressor, the officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self-defense (PC 13701(b)).

H. **Firearm** is any device designed to be used as a weapon, from which is expelled through a barrel a projectile by the force of any explosion or other form of combustion.

I. **Officer** is defined as any law enforcement officer as defined by Penal Code Sections 830.1 - 830.3 and 830.6.
J. **Pro-Arrest Policy** refers to a philosophical position in which physical arrest shall be made in every situation where an arrest is legally permissible; absent exigent circumstances.

K. **Restraining Order** is an order which requires a person to refrain from doing a particular act or acts. It is issued by the Court, with or without notice, to the person who is to be restrained.

1. Restraining order in a domestic violence case can be a Criminal Protective Order (CPO), Emergency Protective Order (EPRO), Civil Domestic Violence Restraining Order (DVRO), or Juvenile Restraining Order (JRO).

   (a) **Criminal Protective Order (CPO)** refers to a restraining order issued in a criminal case. CPOs are issued pursuant to Penal Code section 136.2 while a case is pending and they are re-issued at the time of sentencing. A violation of a CPO is prosecuted under PC 166(c)(1). A CPO may require “No Contact” or it may allow “Peaceful Contact”.

   “No Contact” Order requires a restrained person to have no contact, either direct or indirect, with the protected person(s). It may also require the restrained person to stay away from a particular location.

   “Peaceful Contact” Order allows for contact but it must be peaceful. The restrained person is prohibited from molesting, attacking, striking, threatening, stalking, sexually assaulting, battering, harassing, or disturbing the peace of the protected person(s).

   (b) **Emergency Protective Order (EPRO)** is a type of restraining order issued by a Judge or Commissioner at any time, whether or not Court is in session, under urgent circumstance when either an officer or a victim feels the victim is in immediate and present danger of domestic violence. An EPRO remains in effect for 5 business days. A violation of an EPRO is prosecuted under PC 273.6.

   (c) **Domestic Violence Restraining Order (DVRO)** is a restraining order issued by a Family Court Judge. DVROs may be temporary (TRO) or permanent (Restraining Order after Hearing). A violation of a DVRO is prosecuted under PC 273.6.

   Temporary Restraining Order (TRO) is good for up to 21 days unless there is good cause and then 25 days.

   Restraining Order after Hearing is issued after a noticed hearing in Family Court. The duration of a permanent order can vary and is listed on the first page of the order.
Permanent orders can issue for up to 5 years. Permanent orders may also be renewed. If a DVRO is renewed, the duration of the renewed order is either 5 years or permanently, meaning non-expiring. FC 6345(a).

(d) Juvenile Restraining Order (JRO) is an order issued by either a Juvenile Justice or Dependency Judge that protects against domestic violence or civil harassment. The JRO may be temporary or permanent. A violation of a JRO is prosecuted under Penal Code section 273.65.

2. Restraining Order to Preclude Gun and Ammunition Ownership:

Gun Violence Restraining Order (GVRO) (PC 18100-18205): An immediate family member or a law enforcement officer can petition a judge to temporarily remove a person’s firearms and ammunition if they fear the person is violent and likely to commit a violent act with a gun. The order is valid for 21 days and can be extended up to a year, after notice and a hearing. (See EPO-002 Firearms Emergency Protective Order, attached to this Protocol at page 67.) The order prohibits a named person from having in his custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition. A violation of a GVRO is prosecuted under PC 18205.

Temporary emergency GVRO – Can be obtained by a law enforcement officer. (Daytime orders are handled by judges at the FJCC just like EPROs. (408) 534-5601. After hours, contact the on-duty Magistrate by calling County Communications at (408) 299-2501.) Valid for 21 days. (PC 18125-18145.)

Ex Parte GVRO – Can be obtained by a law enforcement officer or by an immediate family member. (Applications can be filed at the clerk’s office on the first floor of the FJCC.) Court shall hold a hearing within 21 days. (PC 18150-18165.)

GVRO after notice and hearing – Can be requested by a law enforcement officer or immediate family member. (Applications can be filed at the clerk’s office on the first floor of the FJCC.) Valid for one year. (PC 18170-18197.)

L. Stalking means willfully, maliciously, and repeatedly following or willfully, maliciously, and repeatedly harassing another person and making a credible threat with the intent to place that person in fear for his or her own safety, or the safety of his or her immediate family. “Repeatedly” means two or more acts. (646.9 PC).

M. Trafficking is depriving or violating the personal liberty of another person with the intent to effect or maintain a felony violation of PC 266 (procurement for prostitution), PC 266h (pimping), PC 266i (pandering), PC 267 (abduction for
prostitution), PC 311.4 (using a minor to create obscene matter), or P.C. 518 (extortion), or to obtain forced labor or services (PC Section 236.1)

N. **U-Visa** - Created by the Victims of Trafficking and Violence Prevention Act, enacted in October 2000. It is available to noncitizens who: 1) have suffered substantial physical or mental abuse resulting from a wide range of criminal activity, and 2) have been helpful, are being helpful or are likely to be helpful with the investigation or prosecution of the crime. The U-visa provides eligible immigrants with authorized stay in the United States and employment authorization. In Santa Clara County, police agencies process requests in cases that were never sent to the District Attorney’s Office for review. Requests in cases that were submitted to the DA’s office for review should be forwarded to the District Attorney’s Office for processing. They should be sent to the attention of: “U-Visa Clerk”. PC 679.10 establishes a rebuttable presumption of helpfulness and requires that the certification be processed within 90 days, or within 14 days if the applicant is in deportation proceedings.

O. **Victim** means a person who is a victim of domestic violence.
COMMON CHARGES

A situation involving domestic violence may result in a violation of one or more of the following sections of the Penal Code: (This list is not exhaustive.)

1. 136.1 - Intimidating or dissuading a witness. Felony offense (and a strike) if effected by force or threat of force.
2. 148 - Resisting arrest.
3. 166(a)(4) - Violation of a court order.
4. 166(c)(1) - Violation of a CPO.
5. 187 - Murder.
6. 207 - Kidnapping.
7. 236/237 - False imprisonment. Felony offense if effected by violence, menace, fraud or deceit.
8. 236.1 - Human Trafficking.
9. 240 - Assault.
10. 243(a) - Battery.
11. 243(d) - Battery with serious bodily injury.
12. 243(e) - Battery of a spouse, former spouse, cohabitant, parent of suspect's child, or person with whom the suspect has/had a current or previous dating or engagement relationship.
13. 243.25 - Battery of an elder or dependent adult, who knew or should have known that the victim is an elder or dependent adult.
14. 245(a)(1) - Assault with a deadly weapon.
15. 245(a)(4) - Assault by means of force likely to produce great bodily injury. Consider using in cases involving strangulation and blows to the head even absent visible injury.
16. 246(a) - Shooting at an inhabited dwelling.
17. 261.5 - Unlawful sexual intercourse. Possible felony with 3 year age difference.
18. 262 - Spousal rape.
19. 270.6 - Leaving California with the intent to avoid paying spousal support, after having notice that a court has made a temporary or permanent order.
20. 273.5 - Inflicting corporal injury resulting in traumatic condition on a spouse, former spouse, cohabitant, former cohabitant, parent of suspect's child, or person with whom the suspect has/had a current or previous dating or engagement relationship.
21. 273.6 - Violation of an EPRO or of a DVRO.
22. 273a - Child abuse/endangerment.
23. 278 et al. - Child abduction
24. 368 - Crimes against elder or dependent adults.
25. 417 - Brandishing a weapon.
26. 422 - Criminal threats.
27. 459/460(a) - Entering a dwelling with intent to commit a felony (or theft).
28. 528.5m - Knowingly and without consent, credibly impersonating another actual person through or on an Internet Web site or by other electronic means, for purposes of harming, intimidating, threatening, or defrauding another person.
29. 591 - Malicious destruction of a telephone line.
30. 591.5  - Unlawful removal, damage of wireless communication device, or obstructing use of such device to summon law enforcement.

Note: When PC 591 or 591.5 conduct is intended to keep someone from reporting a crime, consider PC 136.1.

31. 594  - Vandalism.
32. 597a  - Cruelty to Animals.
33. 602.5  - Entering a dwelling without the consent of the owner. If an authorized person is present, it is an aggravated trespass and the suspect faces up to one year in jail.
34. 603  - Forcible entry with damage to property.
35. 646.9  - Stalking.
36. 647(j)(4)  - Recording image of intimate body part under circumstances where both parties understand the image is to remain private and then distributing image with the intent to cause serious emotional distress (revenge porn).
37. 653m(a)  - Obscene or threatening calls or electronic contacts.
38. 653m(b)  - Making repeated, annoying telephone calls or electronic contacts.
39. 653m(e)  - 653m (a) and (b) are violated when a person knowingly permits any telephone or electronic communication under the person's control to be used for the purposes prohibited by these subdivisions.
40. 653.2  - Electronically distributing, publishing, e-mailing, or making available for download, personal identifying information of an electronic message of a harassing nature, about another person, with the intent to place the person in reasonable fear for their safety, or their immediate family's safety, and for the purpose of imminently causing the person unwanted physical contact, injury or harassment by a third party.
41. 664  - Attempt of any of the crimes listed.
42. 18205  - Person restrained by GVRO owns/possesses firearm or ammunition.
43. 18250  - Confiscation of firearms (Authority for seizure).
44. 25400  - Possession of a concealed firearm.
45. 25850(a)  - Possession of a loaded firearm.
46. 29825  - Person restrained by CPO or DVRO owns/possesses or attempts to own/possess firearm or ammunition.
<table>
<thead>
<tr>
<th>Service</th>
<th>Phone Numbers</th>
<th>Website Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Protective Services</td>
<td>408-975-4900 or 1-800-414-2002</td>
<td><a href="https://www.sccgov.org/sites/ssaas/Pages/aps.aspx">https://www.sccgov.org/sites/ssaas/Pages/aps.aspx</a></td>
</tr>
<tr>
<td>Asian Americans for Community Involvement</td>
<td>408-975-2739</td>
<td><a href="http://aaci.org/">http://aaci.org/</a></td>
</tr>
<tr>
<td>Bay Area Legal Aid</td>
<td>1-888-330-1940</td>
<td><a href="https://www.baylegal.org/">https://www.baylegal.org/</a></td>
</tr>
<tr>
<td>California Victim Compensation Program (CalVCP)</td>
<td>1-800-777-9229 or 408-295-2656</td>
<td><a href="http://vcgcb.ca.gov/victims/counties/santaclara.aspx">http://vcgcb.ca.gov/victims/counties/santaclara.aspx</a></td>
</tr>
<tr>
<td>Child Protective Services (child abuse hotline)</td>
<td>408-299-2071 (ofc)</td>
<td><a href="https://www.sccgov.org/sites/ssa/Pages/ssa.aspx">https://www.sccgov.org/sites/ssa/Pages/ssa.aspx</a></td>
</tr>
<tr>
<td>Community Solutions</td>
<td>877-363-7238</td>
<td><a href="http://www.communitysolutions.org/">http://www.communitysolutions.org/</a></td>
</tr>
<tr>
<td>County Communications (for duty judge after hours)</td>
<td>408-299-2501</td>
<td><a href="https://www.sccgov.org/sites/911/Pages/9-1-1-Site-Home-Page.aspx">https://www.sccgov.org/sites/911/Pages/9-1-1-Site-Home-Page.aspx</a></td>
</tr>
<tr>
<td>DFCS Joint Response</td>
<td></td>
<td><a href="https://www.sccgov.org/sites/ssa/dfcs/Pages/dfcs.aspx">https://www.sccgov.org/sites/ssa/dfcs/Pages/dfcs.aspx</a></td>
</tr>
<tr>
<td>Family Justice Center Courthouse (FJCC)</td>
<td>408-534-5702</td>
<td><a href="http://www.scsCourt.org/court_divisions/family/family_home.shtml">http://www.scsCourt.org/court_divisions/family/family_home.shtml</a></td>
</tr>
<tr>
<td>Family Violence Center</td>
<td>408-277-3700</td>
<td><a href="http://www.sjpd.org/BOI/fvc/">http://www.sjpd.org/BOI/fvc/</a></td>
</tr>
<tr>
<td>Maitri, Santa Clara County, South Asian Hotline</td>
<td>1-888-862-4874</td>
<td><a href="http://maitri.org/">http://maitri.org/</a></td>
</tr>
<tr>
<td>Next Door Solutions to DV</td>
<td>408-279-2962</td>
<td><a href="http://www.nextdoor.org/">http://www.nextdoor.org/</a></td>
</tr>
<tr>
<td>YWCA Silicon Valley Support Services</td>
<td></td>
<td><a href="http://ywca-sv.org/our-services/support-services/">http://ywca-sv.org/our-services/support-services/</a></td>
</tr>
<tr>
<td>24-hour Domestic Violence and Sexual Assault Support Line</td>
<td>1-800-572-2782</td>
<td></td>
</tr>
</tbody>
</table>
Victim Notification Service 1-800-464-3568
https://vinelink.com/
(website with the hotline number)

Victim Services Unit – District Attorney’s Office 408-295-2656
https://www.sccgov.org/sites/da/VictimServices/VSU/Pages/default.aspx

WomenSV 650-996-2200
http://womensv.org
A. A 911 recording is often the key piece of evidence in a domestic violence trial and will be played in front of the judge or jury in open court. The 911 recording may end up serving as the only account of what happened if a victim later recants or refuses to testify. Accordingly, extra time and attention should be given to bringing out as many details about the reported incident as possible. Given the nature of these types of incidents the caller may be recanting, minimizing, traumatized or confused. Extra care and patience in handling these calls may be required.

B. The dispatcher who receives a domestic violence incident call shall dispatch officers to every reported incident. The dispatcher should, when warranted, give a domestic violence incident call the same priority as any other life threatening call and should, whenever possible, dispatch at least two officers to the scene.

C. No dispatcher or 911 call-taker, in speaking with a victim of domestic violence, should inquire as to the victim’s desire to "prosecute," or "press charges". Any comment or statement which seeks to place the responsibility for enforcement action with the victim is inappropriate.

D. During the initial call for assistance, the call-taker should ask:

1. Do you need an interpreter? What language?
2. Where is the emergency? What address? What apartment number?
3. Is this a gated Community? What is the pass code?
4. To whom am I speaking (spell name)?
5. Are you the victim? If no, what is your relationship to the victim?
6. Who hurt you?
7. What has happened? Is it occurring now?
8. Has anyone been injured? If yes, is an ambulance needed?
9. Has anyone been threatened?
10. Is the suspect present? Are they in the same room? Can they hear you? What is their name? Please describe the suspect and their clothing, and, if not present, where are they?
11. Does the suspect have current access to weapons? If yes, what kind? Where are they located?
12. Is the suspect under the influence of drugs, alcohol or prescription medication? If yes, what?
13. Does the suspect have any mental health issues?
15. Are there previous incidents of domestic violence involving the suspect and victim? Have the police been to this address before? If yes, how many times?
16. Does the victim have a current restraining order?
17. **If victim is not the RP: Does the victim need an interpreter?**
18. Is the suspect on probation or parole?
19. Is the suspect a minor? Is the victim a minor?

Additional questions may be appropriate, and the call-taker should always prioritize questions based on training and experience to adapt to the current emergency.

E. The safety of domestic violence victims, whether the threat of violence is immediate or remote, should be the primary concern of 911 call-takers. The 911 call-taker should advise the victim to ensure their safety. For example, suggest that a victim wait for officers at a neighbor’s house or remain on the 911 line.

F. Upon receipt of a medical report or phone contact made by a medical professional where domestic violence per Penal Code Section 13700 is alleged, the agency of jurisdiction shall respond unless circumstances such as distance or lack of personnel do not allow for quick response. If the agency of jurisdiction cannot respond, the agency shall request a courtesy report be taken by the local jurisdiction and submitted as soon as practical to the agency of jurisdiction (where the domestic violence incident occurred).
A. ENFORCEMENT OF LAWS IN DOMESTIC VIOLENCE INCIDENTS

Felony

1. An arrest shall be made in the event that there is probable cause to believe that a felony has occurred. All suspects arrested should be booked into the County Jail or Juvenile Hall. A pro-arrest policy should be implemented by all agencies.

2. If an officer has probable cause to believe that a felony has occurred, an arrest shall be made irrespective of whether the officer believes the offense may ultimately be prosecuted as a misdemeanor.

Misdemeanor

1. When a misdemeanor assault or battery has been committed outside the officer’s presence, and the victim is the suspect’s spouse, former spouse, cohabitant, former cohabitant, fiancée, parent of their child, or a person with whom the suspect has had or is having an engagement relationship or a current or prior dating relationship, a peace officer shall arrest the suspect without the need of a private person’s arrest.

PC 836(d) makes it possible for officers to arrest when the crime does not take place in their presence where both of the following circumstances apply.

a. 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.

b. 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.

Note: There is no requirement under PC 836(d) that the assault or battery resulted in visible injury to the victim.

2. An arrest shall be made if the officer has probable cause to believe that the suspect has violated a CPO, DVRO, EPRO, or a juvenile court-issued restraining order in a domestic violence case (W&I 213.5), even when the crime did not occur in the officer’s presence (PC 836).

3. In all other misdemeanor domestic violence cases – e.g. PC 594 (when loss < $400) or PC 653m - where the victim of the crime is the suspect’s spouse, former spouse, cohabitant, former cohabitant, parent of their
child, or a person with whom the suspect has/had an engagement or
dating relationship - the officer shall make a good faith effort to inform
the victim of their right to make a private person’s arrest. (PC 836(b).)

4. Once a suspect is arrested on a misdemeanor, they should be booked
into the County Jail or Juvenile Hall. A juvenile suspect must be booked
into juvenile hall and shall not be cited and released.

Felony or Misdemeanor

1. In situations where mutual protective orders have been issued under
subdivision 10 (commencing with Section 6200) of the Family Code,
prior to making an arrest, the officers shall make reasonable efforts to
identify, and should only arrest without a warrant, the dominant
aggressor involved in the incident (PC 836 (c)(3)).

2. Persons (including juveniles) arrested for crimes specified in PC 1270.1,
including the following crimes, cannot be released at the scene:

- PC 243(e)(1) - misdemeanor domestic violence
- PC 273.5 - domestic violence with corporal injury
- PC 262 – spousal rape
- PC 422 – where the offense is punishable as a felony
- PC 273.6 or 166 – violation of a protective order if the detained
  person made threats to kill or harm, has engaged in violence
  against, or has gone to the residence or workplace of, the
  protected party
- PC 646.9 – stalking
- PC 136.1(c) – felony dissuading a witness

Adult arrestees must be taken to jail, after which they may post bail. If
they are to be released for more or less than the scheduled bail or on
their own recognizance, a hearing must be held in open court pursuant
to PC 1270.1. (Note: No cite and release). A judge or magistrate may,
with respect to a bailable felony offense or a misdemeanor offense of
violating a restraining order, increase bail without a hearing, provided an
oral or written declaration of facts justifying the increase is presented
under penalty of perjury by a sworn police officer. If the arrestee is a
juvenile, they must be taken to Juvenile Hall.

3. If a victim only informs a law enforcement officer of a prior unreported
incident and has no complaint of pain or physical injury at the time of the
current report, the officer shall make a good faith effort to inform the
complainant of their right to make a private person’s arrest. (The arrest
must fall within the statute of limitations). If the complainant chooses not
to exercise that right, the officer shall submit a report to the District
Attorney or Juvenile Probation Department for review. The arrest must
fall within the statute of limitations and meet the requirements listed
above in paragraph (3).
4. If officers are unable to locate the suspect, they should continue diligent efforts to do so, and document all such efforts. In the event the suspect cannot be located, all reasonable means have been exhausted and probable cause to arrest exists, submit the case to the District Attorney’s Office for review as a warrant request.

B. HANDLING OF THE INCIDENT

1. The following factors should not influence the officer’s decision to investigate or arrest in domestic violence incidents except as they relate to the elements of the crime:

   a. The relationship or marital status of the suspect and the victim, i.e., not married, separated, or pending divorce;

   b. The gender identity of either the victim or suspect, the fact that they are gender non-conforming or transgender, or the fact that they share the same gender identity;

   c. The fact of who is taller, larger or stronger appearing;

   d. Whether or not the suspect lives on the premises with the victim;

   e. The existence or lack of a temporary or other restraining order;

   f. The potential financial consequence of arrest;

   g. Verbal assurances that violence will cease;

   h. The victim’s emotional state or state of sobriety;

   i. Injuries are not visible; (Visible injury is NOT required for a warrantless arrest for domestic violence assault and battery.)

   j. The location of the incident, i.e., public or private;

   k. Speculation that the victim may not follow through with the criminal justice process or the arrest may not lead to a conviction;

   l. The suspect is a juvenile. (Officers should be aware that Juvenile Court orders can remain in effect until the offender’s 21\textsuperscript{st} birthday. Juvenile restraining orders can remain in effect for up to 3 years from the date of issue, whether or not the juvenile proceedings continue);

   m. The victim is a minor;

   n. The victim’s immigration status;
o. Whether or not the suspect is present in a restraining order case; and

p. Whether or not the victim wants officers to investigate and/or arrest.

2. If the suspect is a law enforcement officer, follow the procedures outlined on page 50.

3. The officer should interview the victim, suspect, children, roommates, and any available neighbor witnesses. Interviews should be digitally recorded if possible. A warrant check, California Restraining and Protective Order System (CARPOS) check, criminal history check and Juvenile Probation status check should also be conducted.

4. An officer shall make no statements which would tend to discourage a victim from reporting an act of domestic violence or requesting a private person’s arrest. A peace officer who accepts a private person’s arrest is immune from civil liability for false arrest or false imprisonment when, 1) at the time of the arrest, the officer had reasonable cause to believe that the arrest was lawful, 2) the arrest was made pursuant to PC 142, i.e., a victim or witness demanded that the officer receive a private person’s arrest, or 3) the arrest was made pursuant to a charge, upon reasonable cause, of the commission of a felony by the person to be arrested (PC 847). As noted above, a private person’s arrest is not required in cases involving intimate partner assault or battery or in cases involving violations of domestic violence protective or restraining orders where an officer has probable cause to believe that the person to be arrested has committed the offense. (PC 836.)

5. Pursuant to Penal Code section 13700 et seq., an officer responding to an incident of domestic violence shall prepare a Domestic Violence Incident Report irrespective of the wishes of the victim or the presence or absence of the suspect.

C. INVESTIGATION OF DOMESTIC VIOLENCE CASES

1. Jurisdiction and Courtesy Reports

Officers arriving at a domestic violence scene should conduct a thorough investigation and submit reports of all incidents of violence and all crimes related to domestic violence. If the incident occurred in another jurisdiction, the patrol officer will evaluate the severity and immediacy of the situation and, if appropriate, contact that jurisdiction to determine which agency will take the initial report and/or which agency will investigate. If the other agency (agency of jurisdiction) is not able or willing to respond to the victim’s location or meet the victim at an alternate location, the agency that had first contact with the victim will complete a courtesy initial police report. If the initial agency is not doing the follow up investigation, the report will be forwarded to the agency of
2. Arrival at the Scene
   a. Determine location and condition of victim, suspect, children and pets.
   b. Do not let gender appearances affect your determination as to who is the victim and who is the suspect.
   c. Determine if any weapon is involved or in the home. Confiscate and collect as evidence any weapons or firearms used in the incident. If the incident involves any threat to human life or physical assault, officers shall take temporary custody of any firearm or deadly weapon in plain sight or pursuant to a consensual search or other lawful search. If unable to book the weapon (other than firearms) due to size or other extenuating circumstances, photograph the weapon (PC 18250).

   Note: There are four instances when a search warrant for weapons can be requested (PC 1524(a)(9)-(11)). (See page 33 under “Follow-up Investigation”.)

   d. Provide appropriate level of aid to injured parties.
   e. Separate suspect, victim, and witnesses. (Victim(s) and witness(es) should be out of suspect’s immediate presence, hearing and view.)

3. Preliminary Investigation
   a. Interview everyone separately – victim, suspect, children, other witnesses. Officers are strongly encouraged to record these statements. Doing so will increase the chances that the case can still be proven even if a victim does not testify.

   b. If a person being interviewed speaks a language other than English, the interview should be conducted in the individual’s primary language by a qualified interpreter. In cases involving a victim or witness with limited English language capacity, officers should ask whether they prefer to be interviewed in their primary language.

   An investigating officer may need to call for another bilingual officer fluent in that language, a telephone interpreter, a qualified civilian interpreter, or arrange for other certified professional translation services. Avoid using third party individuals (children, family members, neighbors, or bystanders) for interpretation except during exigent circumstances. Once the exigent circumstance has passed, the officer should utilize a qualified interpreter. Document the names
and personal information of all witnesses and interpreters.

c. Children present or residing in the home:

(i) **Document names and ages of all children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home.** Also document the names, addresses and ages of children present in the home at the time of the incident, who may not be related to the victim and/or suspect AND children who may not reside in the home but whose parents are involved in the domestic violence incident. (Children in this context does not include cases in which the victim or suspect are juveniles.)

(ii) **Contact DFCS in appropriate cases where children's safety appears to be at risk, even if they were not physically abused.** See page 9 of the 2018 “Santa Clara County Child Abuse Protocol for Law Enforcement” for examples of when DFCS should be notified of domestic violence incidents while officers are still on-scene, and where child abuse charges might be appropriate.

(iii) **When making a referral to a domestic violence advocate, advise the advocate whether children were present and/or residing in the home.**

**Note:** Suspected child abuse or neglect must be cross-reported to DFCS (408-975-5250) and officers must follow the Joint Response Protocol. (PC 11166). **Child abuse can include instances where children are endangered or inadvertently struck during an assault on an intimate partner.**

d. Ask victim and suspect if they have pain even if there are no visible injuries. A description of the extent and severity of the pain is also necessary.

- Does the victim have difficulty breathing?
- Does the victim have difficulty standing or moving?
- Is the victim experiencing other restrictions as a result of the injuries?

e. Determine if there are indications of **strangulation.** Strangulation attempts shall be explicitly described. It should be noted whether hands or a ligature device was used. The force of the attempt should be detailed. **Victims shall be encouraged to seek medical attention if there has been strangulation even if there are no visible injuries.** (PC 13701(I)).

- **Did their partner use hands or anything else to prevent**
Did the victim lose consciousness?
- Did the victim vomit, urinate, or defecate?
- Does the victim have difficulty breathing or swallowing?
- Are there any marks visible on the victim’s neck?
- Does the victim complain of a sore throat or hoarse/ raspy voice as a result of the injuries?
- Is there indication of petechiae (rupture of the small capillaries, usually in the eyes, head or neck area above the point of constriction)?
- Does the victim notice any changes in vision?
- Photograph injuries.
- Officers must furnish the victim with a Strangulation Resource Card, informing them that strangulation may cause internal injuries and encouraging them to seek medical attention. (PC 13701(I). (Copy attached at page 74, cards available through Office of Women’s Policy owp@ceo.sccgov.org.)

f. Determine if there are indications of traumatic brain injury (TBI). Victims should be encouraged to seek medical attention immediately if there has been possible TBI even if there are no visible injuries. Ask every domestic violence victim, regardless of gender, the following:

After anything your partner did to you (tonight, today, etc.) did you black out or lose consciousness?

If yes:
- What happened?
- Do you have trouble remembering anything surrounding the loss of consciousness?
- Have there been any prior instances of strangulation, prior loss of consciousness?

**Note: Do not ask the victim how long they were unconscious. Their memories are likely to be very unreliable on this point, studies have shown.**

After anything your partner did to you (tonight, today, etc.) did you:

- Have any changes in vision, e.g., see stars or spots?
- Feel dizzy?
- Feel dazed or confused?
- Feel stunned or disoriented?
- Have memory loss about what happened?
Note: In cases involving strangulation or TBI, consider charging a violation of felony PC 245 (assault with force likely to produce great bodily injury).

g. Ask the victims if they have been forced to participate in sex acts against their will, including victims in same sex relationships. Encourage the victim to participate in a SART exam in appropriate cases. If there is a question regarding the appropriateness of a SART exam, please call Santa Clara County Valley Medical Center (408) 885-5000, say “operator” and then ask to speak to the adult nurse examiner on call.

h. Ask the victim if suspect has any guns or ammunition.

i. Document and photograph the victim’s, suspect’s, and child’s condition and demeanor including:

- Bruises, cuts, marks, pulled hair or other injuries.
- Torn clothing.
- Smeared make-up.
- If victim is pregnant, a senior or juvenile.
- If any of the parties are under the influence of alcohol, drugs, or prescription medication.
- Condition and disarray of the area where the incident occurred.

j. Inquire about, elicit details about, and document any allegations of previous reported or unreported acts of domestic violence or child abuse. For example, asking: When was the first time they hit you? What happened then? How often do they hit you?

k. Document size relation of victim and suspect.

l. In cases where it appears that both parties have used force against the other, try to determine who was the “dominant aggressor”, that is, the person who is the most significant, rather than the first aggressor. (See Penal Code 13701(b).) (Dual arrests shall be discouraged, when appropriate, but are not prohibited per Penal Code Section 13701). Please attempt to make the following determinations:

- Was one party in actual fear of the other?
- Did one party escalate the level of violence, i.e., did one party react to a slap by beating the other party?
- Was there a history of violence or pattern of control by one of the parties against the other? Against other people?
- Who has access to and control of resources?
• Who has injuries that do not appear to be consistent with statements made?
• Was one party usually the aggressor?
• Did any injuries appear to be defense wounds?
• Which party will be in greater danger if nothing is done?
• Was one party physically larger and stronger than the other? (Remember that size and strength alone should never be a determining factor. A dominant aggressor is not always bigger or stronger.)

m. Check for the existence of any restraining orders against the suspect. If victim has a restraining order against suspect, obtain a copy of the order and valid proof of service (proof of service is not necessary if the suspect was in court when the order was issued). If no copy is available, contact the Department of Justice California Restraining and Protective Order System (CARPOS/CLETS) to verify the existence of the order (Family Code Section 6383(d)). If there is no order, inform victim how to get an order.

n. The officer shall advise the victim of the availability of an EPRO and a DVRO in every case even if the suspect is arrested, and also in non-criminal situations where the victim is fearful. The officer is required to request the EPRO if the officer believes the person requesting the order is in immediate and present danger even if the victim does not want the order. The judge should hear your concerns and will make the decision whether or not the EPRO will issue. (Victim should be out of suspect's immediate presence, hearing and view.) If possible, prepare the form before calling the on-duty judge.

o. If victim has a DVRO which has not yet been served on suspect, verbally inform the suspect of the order and note in the report including case number of the DVRO. If victim has an extra copy of the DVRO, serve on the suspect and fill out proof of service. If the officer does not have an additional copy of the order, he or she shall give verbal notice of the terms and conditions of the DVRO. This shall constitute service and notice for purposes of PC 273.6 (violation of the DVRO) and PC 29825 (violation of the DVRO weapons restriction). Within one business day of service, the law enforcement agency serving the DVRO order shall enter the proof of service directly into the DOJ California Restraining and Protective Order System (CARPOS), including the officer’s name and employing agency, and shall transmit the original proof of service to the issuing court (FC 6380(d)). If a suspect is given verbal notice of the DVRO, the officer must advise the suspect to go to the local Family Court to obtain a copy of the DVRO containing the full terms and conditions of the DVRO (FC 6383(g)).

p. When serving any protective order, including but not limited to EPROs and DVROs, law enforcement officers shall request the
immediate surrender of firearms and ammunition rather than having to wait 24 hours for the person to self-surrender the firearms and ammunition. The Santa Clara County Protocol for Relinquishment of Firearms and Ammunition Pursuant to Protective/Restraining Orders should be followed. (A copy is attached to this Protocol at page 69.)

q. Note information concerning the victim’s whereabouts for the next few days in the police report. Obtain any emergency/secondary contact information. This should include name, relationship, telephone number(s) and address. If the victim is a juvenile, obtain contact information from the parent(s) or guardian(s).

r. Request from the victim, information regarding the suspect’s media accounts including account identifying information such as user names and passwords.

s. An officer shall conduct a Lethality Assessment for First Responders and may put the victim in immediate contact with a domestic violence advocate. (See “Lethality Assessment for First Responders” form at page 58 of this Protocol.)

**Lethality factors present should be listed in the felony affidavit.**

t. If the suspect is taken into custody:

i. Document spontaneous statements by the victim and/or suspect.

ii. Prevent communication between suspect and victim / witnesses / children.

iii. Advise suspect of Miranda rights. The Miranda Admonition should be read to suspects in their primary language by a qualified interpreter.

iv. Conduct interviews and document statements of the suspect. If a “violent felony” is alleged, the interview of the suspect will be electronically recorded as outlined in the Santa Clara County Police Chiefs’ Association’s “Recording of Violent Suspect Statement Protocol”. (See PC 667.5(c) for a listing of violent felonies.)

v. Evaluate the suspect for danger to self or others under 5150 W&I. If appropriate, complete a 5150 W&I form for jail mental health staff.

u. Photographs

i. Document and photograph the condition of the crime scene (i.e., disarray of physical surroundings), and the suspect and victim,
even if there are no visible injuries.

ii. Ensure that the victim's and suspect's visible injuries are photographed. Make sure that the photos taken preserve the dignity of the victim as much as possible and photograph their faces for identification purposes.

iii. Encourage the victim, or parent or guardian if the victim is a juvenile, to contact the investigating agency/follow-up investigator if further bruising appears.

v. Firearms and Ammunition

i. If necessary for the protection of officers or other persons present, inquire of the victim, alleged abuser, or both, whether a firearm/ammunition or other deadly weapon is present at the location and confiscate any firearm/ammunition or deadly weapon discovered. Note this in the report (13730(3) PC). If an EPRO is issued, request the immediate surrender of firearms once the perpetrator is served. (Family Code 6389). A search warrant can also be obtained. (See Pg. 33 under “Follow-Up Investigation”

ii. Check in the Consolidated Firearms System (CFS) and Prohibited Armed Persons (PAP) file to determine if firearms are registered to any involved person or if any involved person is prohibited from owning firearms.

iii. Seize any firearm/ammunition or other deadly weapon located in plain sight, discovered pursuant to a consensual search or other lawful search, as necessary for the protection of officers or other persons present (18250 PC).

iv. Seize any firearms possessed in violation of 29800(a) PC – convicted felons, or 29805 PC – other specified misdemeanor convictions.

(See page 37 of this Protocol for information regarding retention and return of confiscated weapons.)

w. Medical treatment

i. Document extent of injuries or medical treatment, if known.

ii. Suggest that the victim seek medical attention. (Encourage medical attention if there is any indication of strangulation, TBI or sexual assault.)

iii. Obtain authorization for release of medical records from victim,
or from parent or guardian if the victim is a minor.

iv. Transport or call for transport of victim and children to a hospital for treatment when necessary, or stand by until victim or children can safely leave. (“Children” does not include a minor suspect.)

v. Obtain names, addresses, and phone numbers of fire and emergency medical personnel treating the victim, if possible.

D. COMPLETING CRIME REPORT

1. Maintain objectivity in reporting. Avoid personal opinions regarding comments from victim/suspect.

2. Ensure that the report includes the victim’s preferred name and gender identity.

3. Ensure that elements of all involved crimes are included in the report and document:

- Any injuries victim and suspect have sustained.
- That victim received the Domestic Violence Resource Card per Penal Code Section 13701(i).
- That victim has been offered an EPRO.
- Past history of violence and check for existence of a restraining order.
- Prior domestic violence incidents at that address involving the alleged abuser or victim.
- Statements of victim, suspect, and all witnesses including children.
- Physical evidence obtained.
- Probation/parole status.
- Whether alcohol, illegal drugs or prescription drugs were involved by the alleged abuser or the victim.
- Names, ages and relationship of children who were present and/or residing in the home at the time the offense occurred or who were not present but reside in the home AND children who may not reside in the home but whose parents are involved in the domestic violence incident. (Note: the word “children” does not include a juvenile suspect or victim who should be dealt with as the suspect or victim and not as a child witness.)
- If any pets were threatened, harmed, or there is evidence of animal abuse.
- Whether the officer found it necessary, for the protection of the officer or other persons present, to inquire of the victim, abuser, or both, whether a firearm or other deadly weapon was present at the location (13730 PC).
• Any emergency/secondary contact information. This should include name, relationship, telephone number(s) and address.
• All e-mail addresses should be obtained.
• All cellular and text messaging contact information should be obtained.

4. If a valid restraining order prohibits firearms possession or ownership by a person involved in the incident, the officer shall make record in the crime or incident report of:

• Inquiries made to determine if the restrained person possesses any firearms/ammunition.
• The results of efforts made to locate and seize any unlawfully possessed firearms/ammunition, including requesting a search warrant (See page 33 under “Follow-Up Investigation”.)

5. If a violation of a restraining order is alleged:

• In the police report, describe the specific terms of the order that were violated by the restrained person.
• Attach a printout of the order from CARPOS.
• Request of records or communications personnel that information on the reported violation is entered into the California Restraining and Protective Order System (CARPOS). (See the California Department of Justice Information Bulletin #02-05-BCIA, dated April 4, 2002.)
• If the order that was violated was issued out of Family Court, collect or photograph a copy of the order, including proof of service if any.

Note: A protected person cannot be in violation of their own protective order

6. When documenting a domestic violence-related crime, identify the report as a domestic violence incident on the face of the report as required by Penal Code Section 13730(c).

7. EPROs: In any domestic violence incident, the officer shall note on the Probable Cause Affidavit whether an EPRO was granted by a judge or was declined by the victim.

8. When completing a Probable Cause Affidavit or Juvenile Contact Report (JCR), officers will ensure that the following information is provided:

a. The officer shall complete all applicable sections of the Affidavit or JCR forms, including non-narrative portions.
b. The narrative portion of the Affidavit or JCR shall thoroughly detail the injuries received and how they were inflicted. The officer should not merely check one of the boxes to indicate extent of injuries, as this information is often subjective. If the injury involved is "complaint of pain only," this fact shall be explicitly stated. This is necessary to avoid calling the officer back to clarify the Affidavit. If a felony arrest is made on an injury involving complaint of pain with no visible injuries, the officer shall give a detailed description of the force used, including type of force, number of blows inflicted, etc. (i.e., fist, open hand slap, etc.).

c. If the officer feels that a restraining order is required in order to protect the victim, information concerning the need for restraint should be included in the Affidavit or JCR.

E. INFORMATION PROVIDED TO VICTIMS

1. If a victim spontaneously states that prosecution is not desired, the victim should be told that the decision to prosecute is made by the District Attorney. Officers shall not advise victims of domestic violence that the victim has the authority to "press" charges or "drop" charges.

2. Officers shall furnish victims with a "Domestic Violence Resource Card" which includes the phone number for the Victim Services Unit in Santa Clara County (408-295-2656) and the toll free number for the California Victim Compensation Program (1-800-777-9229).

   • The card shall also include the names and phone numbers of shelters or counseling centers and state that domestic violence, i.e., assault by a relative or partner of the victim, is a crime. The California Victim Compensation Program can authorize a cash payment or reimbursement to an adult victim of domestic violence for specified expenses. Counseling funds for children may also be available for those identified in the police report. Victims should be encouraged to contact a 24-hour domestic violence crisis hotline in order to receive important information about safety issues and services that are available to them. Officers are encouraged to call the hotline as indicated on the Lethality Assessment form.

   • The card shall also include the statement that the victim has a right to have a domestic violence advocate and a support person of the victim’s choosing present at any follow-up interview by law enforcement authorities, prosecutors, or defense attorneys (679.05 P.C.). Officers should strongly consider providing additional DV resource cards to support persons, friends and family at the scene.
• Inform the victim of their right to request in writing that the landlord change the locks of their dwelling unit within 24 hours when they are the victim of domestic violence, sexual assault, or stalking. The victim must give the landlord a copy of the police report or restraining order (which was written in the last 180 days). The landlord must also give the victim a key to the new locks. The victim also has the right to change the locks if the landlord fails to do so, regardless of any provision in the lease to the contrary. The victim must then give the landlord a key to the new locks. If the victim and restrained person live together the victim can make the same request of the landlord in writing but needs to provide the landlord with a copy of the restraining order (written within the last 180 days) that excludes the perpetrator from the tenant’s dwelling unit (CC 1941.5, CC1941.6).

3. Officers shall furnish victims with the Attorney General’s/SCCO card on Marsy’s Rights (Prop 9.)

F. HOSTAGE SITUATIONS

If there is a taking of a hostage or the barricading of a location by the perpetrator, the officer is authorized to use an electronic amplifying or recording device to eavesdrop on and/or record, any oral communication within a particular location in response to the taking of the hostage or the barricading of a location if:

(1) The officer reasonably believes that an emergency situation exists involving the immediate danger of death or serious physical injury to any person; and

(2) The officer reasonably determines that the emergency situation requires that eavesdropping occur immediately; and

(3) There are grounds upon which an order could be obtained pursuant to 18 U.S.C. 2516(2) for the offenses specified in it (i.e., murder, kidnapping, or other crimes dangerous to life, limb, or property, and punishable by imprisonment for more than one year). PC 633.8.

G. REQUESTS FOR HIGH BAIL

A police officer may request a higher bail and any special conditions of bail either orally or in writing for the defendant by making a declaration (i.e., probable cause affidavit) under the penalty of perjury setting forth facts and circumstances in support of their belief that the scheduled bail amount is not sufficient to ensure the defendant’s appearance in court or to ensure the protection of a domestic violence victim (PC 1270.1). The crimes specified are serious felonies, violent felonies, threatening a witness, domestic
violence felonies, domestic violence misdemeanors, criminal threats, stalking and domestic violence restraining order violations if the defendant made threats to kill or harm, has engaged in violence against, or has gone to the residence or workplace of the protected party. “Facts and Circumstances” should include a listing of lethality factors present. Juvenile suspects are not eligible for bail.
A. All domestic violence reports prepared by officers pursuant to Penal Code section 13700 et seq. (for adult offenders) or Welfare and Institutions Code section 213.5 (for juvenile offenders), should be reviewed and given follow-up investigation as needed.

B. Follow-up investigations should be geared to the requirements of the District Attorney’s Family Violence Unit.

1. Follow-up investigations should include the following:

   a. Verify the inclusion of all investigative steps described in the previous section regarding patrol officer response/investigation.

   b. Obtain medical records and medical release forms, if available.

   c. Preserve a copy of the 911 recording involving the original call(s) for assistance, as needed.

   d. Interview/re-interview the victim, witnesses, and suspect as necessary.

      (1) Follow-up interviews should be recorded. If a “violent felony” is alleged, the interview of the suspect will be electronically recorded as outlined in the Santa Clara County Police Chiefs’ Association’s “Recording of Violent Suspect Statement Protocol”. See PC 667.5(c) for a listing of violent felonies, and all reenactments should be video recorded.

      (2) If on-scene language interpretation assistance was provided by a family member, neighbor, or other uncertified person, it is necessary to re-interview the victim or witnesses by a qualified interpreter, such as a qualified bilingual officer, telephone/language line interpreter or a qualified civilian interpreter. Avoid using third party individuals (children, family members, bystanders or neighbors) to translate statements.

      (3) Penal Code section 830.1 and Education Code section 49076 contain authority for law enforcement to interview students at school.

   e. When a victim has suffered an injury, follow-up photographs should be taken 48 hours after the physical abuse and note changes to injuries. Ensure photographs are taken if injuries were not photographed by the field officer.
f. Remind victim of their right to have a domestic violence advocate and a support person of their choosing present at the interview. The domestic violence advocate must advise the victim of any limitations on the confidentiality of communications between the victim and the advocate. If the presence of the person would be detrimental to the purpose of the interview, the support person and/or advocate can be excluded.

g. Contact the victim to inform them of the status of the case and the intended referral to the District Attorney or Juvenile Probation.

h. Record names, addresses, and phone numbers of two close friends or relatives of the victim who may know the victim's whereabouts 6-12 months from the time of the incident.

i. Conduct a complete CJIC, CII and NCIC criminal history check of the suspect and victim. Run a records check to see if any law enforcement agency has previously responded to a domestic violence call at the same address involving the same alleged abuser or victim (PC 13730(c)(2)). When appropriate, conduct a Juvenile Probation records check. Also conduct queries on the suspect in the Consolidated Firearms System (CFS), Prohibited Armed Persons (PAP), California Restraining and Protective Order System (CARPOS), and the Violent Crime Information Network (VCIN). Attach results of these checks to the investigator’s report.

j. If children, other than the suspect, are present or living in the home, a copy of the incident or crime report shall be provided to the designated on-site Department of Family and Children Services (DFCS) social worker. Law enforcement agencies without a designated on-site DFCS social worker shall fax a copy of the incident or crime report to DFCS at (408) 975-5851. (Note also that suspected child abuse must be cross-reported as required by 11165, 11166 and 11172(a) PC. DFCS telephone number: 408-299-2071.)

k. Suspected elder or dependent adult abuse must be cross-reported as required by 15610, 15630 and 15640 W&I. (Adult Protective Services telephone numbers: 408-975-4900 or 800-414-2002.)

**APS dedicated law enforcement line: (408) 975-4800**

l. Those agencies working or having an operational agreement with victim advocacy agencies shall provide a copy of the police report to them.

m. Obtain from the victim a copy of any DVRO including proof of service, if they have it. If the restrained person was present when the order was made, personal service is not needed. (See item 24(a) of form DV-130.) If the restrained person was not present in court when the
order was issued, locate and interview the person who served the order to confirm proper personal service pursuant to item 24(b)(2). Sometimes the DVRO will indicate the order was served by mail, which means additional investigation will be required to prove actual knowledge. **Actual knowledge of the order is required in order to criminally prosecute a violation of the order.**

n. Interview all people identified as possible witnesses in the police report (example: a roommate who was home but not interviewed). Also interview the RP and any other witnesses identified in the CAD.

2. Follow-up investigation shall not consider the desire of the victim to "drop" charges in assessing whether the case should be submitted to the District Attorney's Office Family Violence Unit.

3. Investigative personnel handling domestic violence cases should analyze each domestic violence case by asking the following questions:

   a. Can the elements of the offense be established without the testimony of the victim?
      
      i. If the answer is "yes," the case should be submitted to the District Attorney's Office or Juvenile Probation Department for review, irrespective of the wishes of the victim.
      
      ii. If the answer is "no," can further investigation locate additional witnesses or evidence which would allow prosecution without a cooperative victim, such as:

         - witness statements;
         - prior inconsistent statements;
         - physical evidence;
         - content of 911 recording;
         - circumstantial evidence;
         - defendant's statements;
         - spontaneous statements.

Cases where the investigation establishes probable cause to believe a domestic violence occurred should be submitted to the District Attorney's Office or Juvenile Probation Department.

Cases where the investigation does not establish probable cause to believe a domestic violence offense occurred need not be submitted, but should be filed with Records pursuant to Penal Code section 13700 et seq.

4. Under **NO CIRCUMSTANCES** should a victim be asked if they wish to "press charges" or "drop charges". Investigative personnel should not
ask a victim if he/she wants to "prosecute" his/her partner. The victim should be informed that the decision to proceed is out of their control.

5. Officers arriving at a medical facility in response to a phone call or report made by a medical professional shall prepare a Domestic Violence Incident Report irrespective of the wishes of the victim, or the parents or guardians of the minor victim.

6. If the crime involves the use of a firearm, the reports shall be submitted to the District Attorney’s Office or Juvenile Probation Department for review.

C. Stalking cases

A detective in charge of investigating a stalking or repeated harassment matter should contact the victim, introduce themselves, provide a case number to the victim and inform the victim that they should provide the case number whenever there are further reports of any harassing or stalking behavior.

D. Obtaining Search Warrants

Note: Consider contacting the on-call Deputy District Attorney in charge of search warrants. Call County Communications at (408) 299-2501 and they will connect you with the on-call Deputy District Attorney.

1. There are five specific instances when a search warrant for weapons can be requested. (See PC 1524(a)(9)-(11), (15) and PC 1542.5.)

   a. At the premises occupied or under the control of the person arrested for a domestic violence incident involving a threat to human life or a physical assault. (PC 18250.)

   b. When the property or things to be seized include a firearm or other deadly weapon that is owned by, or in the possession of, or in the custody of, a person who is detained for examination of their mental condition. (W&I 8102(a).)

   c. When the property or things to be seized include a firearm/ammunition that is owned by, or in the possession of, or in the custody or control of, a person who is subject to the prohibitions regarding firearms and/or ammunition pursuant to Family Code 6389, meaning:

      i. The prohibited firearm and/or ammunition is possessed, owned, or in the custody of, or controlled by a person against whom an EPRO or DVRO has been issued and,

      ii. The person has been lawfully served with the EPRO or DVRO,
and

iii. The person has failed to relinquish the firearm as required by law.

d. When the firearm is in the possession of a person who is prohibited from owning it by PC 29800 (felony conviction) or 29805 (specified misdemeanor conviction within 10 years) and the Court has made a finding pursuant to PC 29810(c)(1) that the person has failed to relinquish the firearm as required by law.

e. When the firearms and/or ammunition to be seized is/are owned, possessed, in the custody of or controlled by a person who is the subject of a gun violence restraining order issued pursuant to PC 18100-18205, and:

- the person has been lawfully served with that order, and
- the person has failed to relinquish the firearm as required by law, and
- there exists probable cause to believe that the person does indeed have a firearm or ammunition.

(See Firearms Emergency Protective Order (EPO-002) attached at page 67.)

2. The California Electronic Communications Privacy Act (CalECPA) (PC 1546 et seq.) limits the rights of a governmental entity to access electronic communication information (ECI) from a service provider. ECI includes contents; sender; recipients; format; location of the sender during the communication; time or date communication was created, sent or received; or information pertaining to any individual or device participating in the conversation. The CalECPA also limits the rights of a governmental entity to access electronic device information (EDI) from the device. EDI includes any information stored on or generated through the operation of an electronic device including current and prior locations of the device

a. The CalECPA provides that a government entity may compel the production of or access to ECI from a service provider only under the following circumstances:

(1) Pursuant to a search warrant issued pursuant to PC 1523-1542.5 that also complies with PC 1546.1; or
(2) Pursuant to a wiretap order issued pursuant to PC 629.50-629.98; or
(3) Pursuant to an order for electronic reader records issued pursuant to Civil Code 1798.90; or
(4) Pursuant to a subpoena provided that the information is not sought for the purpose of investigating or prosecuting a criminal offense.

b. The CalECPA provides that a government entity may access EDI from a device only under the following circumstances (PC 1546.1):

(1) Pursuant to a wiretap order pursuant to PC 629.50-629.98; or
(2) With the specific consent of the authorized possessor of the device; or
(3) With the specific consent of the owner of the device, only when the device has been reported lost or stolen; or
(4) If the government entity in good faith believes that an emergency involving danger of death or serious physical injury to any person requires access to the EDI; or
(5) If the government entity in good faith believes the device to be lost, stolen or abandoned, and the entity accesses EDI only in order to attempt to identify, verify or contact the owner or authorized possessor of the device; or
(6) If the device is seized from an inmate’s possession or found in an area of a correctional facility where inmates have access and the device is not in the possession of an individual and the device is not known or believed to be in the possession of an authorized visitor.

c. Requirements for CalECPA search warrants:

(1) Describe with particularity the information to be seized: time periods covered, target individuals or accounts, applications or services covered, and types of information sought; and
(2) Provide that any information obtained that is not related to the warrant’s objective be sealed and not subject to further review, use or disclosure without a court order; and
(3) Comply with all provisions of California and federal law.

d. Voluntary disclosures.

A service provider may voluntarily disclose ECI or subscriber information but the government entity must destroy the information within 90 days unless the government entity:

(1) Obtains specific consent of the sender or recipient of the ECI;
(2) Obtains a court order authorizing retention;
(3) Reasonably believes the information relates to child pornography and it is retained as part of a multiagency database use in the investigation of child pornography and related crimes.
e. Emergencies.

If the government obtains electronic information pursuant to an emergency involving death or serious injury, then within 3 days it must file with the court an application for a warrant or order authorizing the obtaining of the electronic information, or a motion seeking approval of the emergency disclosure. The Court may order immediate destruction upon a finding that the facts did not give rise to an emergency or upon rejecting the application on any other ground.

f. Notice to Target.

When a warrant is executed or when electronic information is obtained in an emergency without a warrant, a notice must be served upon the target explaining that information about the target has been compelled or requested and stating with “reasonable specificity” the nature of the governmental investigation. Notice must be provided contemporaneously with execution of the warrant, or within 3 days after an emergency request. If there is no identified target (i.e. the electronic information is needed to identify the target) then the governmental entity must submit to DOJ within 3 days the same information that would have been sent to a target.

(Note: the 3-day period runs from date of receipt of information if target is known, and from date of request if target is not known.) Permits 90-day delay upon Court order, with extensions in 90-day increments.

g. Standing to challenge search.

Gives any person standing to move to suppress any electronic information obtained in violation of PC 1546-1546.4 or of the Fourth Amendment to the United States Constitution. Note: this is a wide expansion of the usual rules regarding standing to challenge searches. It appears to give a defendant standing to challenge the search of a victim’s phone.

E. Retention and return of weapons seized at scene of domestic violence

1. Retention: If a firearm is confiscated, issue a receipt to the owner describing the firearm and listing the serial number or other known identifier. Explain that the weapon will be returned within five business days after the owner or possessor demonstrates compliance with PC sections 33850 and 33855 (must apply to the State Department of Justice for a determination of whether they are eligible to possess a firearm).

   a. The firearm or other deadly weapon taken into custody shall be held for at least 48 hours per PC 18265. If the weapon is seized as
evidence of a crime or the owner of the firearm is subsequently prohibited from possession by a restraining order, the firearm will not be returned (PC 33850, 33855, 34000).

b. When a law enforcement agency has reasonable cause to believe that the return of a firearm or other deadly weapon seized would likely endanger the victim or person who reported the assault or threat, the agency shall so advise the owner and initiate a petition in superior court within 60 days (90 days if good cause for an extension can be shown) to determine if the firearm or other deadly weapon should be returned. (PC 18400, 18265.)

2. Return: Any weapon not to be used as evidence and not illegally possessed must be made available to the owner / person in lawful possession 48 hours after the seizure or within 5 business days after the person receives a determination from DOJ that they are eligible to possess a firearm. (See PC 33850)
A. Verification of the existence of a domestic violence restraining order.

If, at the scene of a domestic disturbance, a person shows or informs the officer of the existence of a restraining order, it is crucial to establish the present status and terms of the order. Pursuant to Penal Code section 13710, each Law Enforcement Agency shall maintain a complete and systematic record of all protection orders with respect to domestic violence incidents. These records shall include orders which have not yet been served, orders issued pursuant to Penal Code section 136.2, restraining orders, and proofs of service in effect. This shall be used to inform law enforcement officers responding to domestic violence calls of the existence, terms, and effective dates of protection orders in effect.

B. Service of domestic violence restraining orders.

Law enforcement agencies may be requested to serve a protective order issued by the Family Law Court, Juvenile Justice Court, or Civil Court. Typically these orders are served by the Santa Clara County Sheriff’s Office or by a civilian process server.

Service of a civil protective order: Upon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody (13710(c) PC). Within one business day of service, the law enforcement agency serving the protective order shall enter the proof of service directly into the DOJ California Restraining and Protective Order System (CARPOS), including the officer’s name and employing agency and shall transmit the original proof of service to the issuing court or to the protected party. (FC 6380(d)).

The following is the general procedure that should be followed when serving a protective order:

1. The Family Court, Juvenile Justice Court, or Civil Court will send a copy of the protective order to the Sheriff’s Office. The request will include a form indicating if there may be firearms in the possession of the restrained party. These cases should receive top priority by the agency serving the protective order.
2. When the restrained person is a juvenile, both the minor and their parent or guardian need to be served with any court-ordered domestic violence restraining order.

3. Law enforcement officer serving a protective order MUST request that all firearms and ammunition immediately be surrendered to the officer (FC 6306).

4. The officer may take temporary custody of any firearm or deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search as necessary for the protection of the peace officer or other persons present (PC 18250).

5. If the firearm is not immediately surrendered, a restrained party must provide proof of surrender of a firearm within 48 hours. An investigation for a violation of PC 273.6(g) should be considered if the restrained party does not show proof of surrender of the firearm within 48 hours to the agency serving the order.

6. The investigating agency may consider obtaining a search warrant pursuant to Penal Code section 1524(9) or Penal Code section 1524(11) to seize the firearm.

7. The law enforcement agency should conduct an investigation whenever it receives written findings from a judge (see Attachment FM-1124 included at page 73 of this Protocol) that a restrained person has not surrendered their firearms and there exists reasonable suspicion that the restrained person is still in possession of firearms.

C. Enforcement of domestic violence restraining orders.

A protective order itself is enforceable once the Court issues the order. A violation of the protective order is enforceable only after it can be proved that the restrained person had actual knowledge of the order and its terms and thereafter willfully violated those terms.

1. All domestic violence restraining orders, whether civil or criminal, will be enforced by all law enforcement officers.

2. Verbal notice by the officer of the terms of the order is sufficient to prove knowledge in any criminal prosecution for violation of the order. However, in order to successfully prosecute a later violation of the order, the officer who delivered verbal notification must be able to testify that the subject notified was positively identified as the restrained person (FC 6383(e)). The officer should also be able to identify the conditions disclosed to the restrained party. Notification should be memorialized for future reference. No service is required if the restrained person was present at the hearing when the order was made.
3. Each agency shall ensure the original Proof of Service (see DV-200 Proof of Personal Service attached at page 72 of this Protocol) is filed with the court issuing the order and a copy retained with the police report. Note: The terms and conditions of the restraining order remain valid and enforceable, in spite of the acts of the victim, and may be changed only by order of the court.

4. Once the order is served, an arrest may be made if the suspect refuses to comply with the terms of the order.

5. If the officer cannot verify the order, it may be enforced through a private person's arrest procedure. If it is the officer's opinion that the elements of the crime do not exist, the officer may then consider a release per Penal Code Section 849(b).

6. If a Restraining Order violation has occurred and the suspect is not present, the officer will submit a crime report of the appropriate violation and the officer will attempt to locate the suspect and arrest pursuant to section 836(c) PC.

   Officers shall always prepare a crime report on a restraining order violation, even if the suspect is no longer present.

7. If a violation of a restraining order is alleged, the officer shall request of records or communications personnel that information on the reported violation is entered into the California Restraining and Protective Order System (CARPOS).

8. Juvenile Justice Court orders are considered Civil Court orders for this purpose.

D. Conflicting Orders – What to Enforce. (See flow chart on page 62.)

1. The general rule is that the most restrictive order should be enforced if there is more than one protective order in effect. In other words, law enforcement should enforce a no-contact restraining order regardless if it is issued in criminal or civil court.

   a. Emergency Protective Order in Effect:

      If one of the orders is an Emergency Protective Order issued pursuant to Penal Code section 136.2, the peace officer must enforce the emergency protective order provided that the provisions are more restrictive than provisions of the other orders. An emergency protective order may be issued pursuant to Family Code sections 6250 – 6257 or Penal Code section 646.91 (stalking).

   b. Multiple Civil or Criminal Protective Orders and at least one “No
Contact" Order:

If an Emergency Protective Order does not exist, and there is more than one protective/restraining order, and one of the orders is a “no contact” order as described in Family Code section 6320, the peace officer must enforce the “no contact” order.

c. Multiple Civil/Family Law Orders without a “No Contact” Order:

If there are multiple civil orders and no Emergency Protective Orders and no “no contact” orders, then the peace officer must enforce the most recent protective order.

d. Criminal and Civil Protective Orders without a “No Contact” Order:

If there is a civil and a criminal order, and none of the orders is an Emergency Protective Order or a “no contact” order, a peace officer must enforce the criminal protective order.

E. Emergency Protective Orders

When addressing any domestic violence incident, an officer shall advise the victim of the availability of an Emergency Protective Restraining Order (EPRO) or civil restraining order, in every case even if the suspect is arrested and in non-criminal situations where the victim is fearful. The officer is required to request the protective order if the officer believes the person requesting the order is in immediate and present danger.

1. In arrest situations, the following procedures should be implemented:

   a. When a person is arrested based upon an allegation of a recent incident of abuse, or threat of abuse, or stalking, and the officer can assert reasonable grounds to believe that a person is in immediate and present danger of domestic violence, or child abuse, or where a child is in immediate and present danger of being abducted by a parent or relative, then the police officer shall explain the EPRO to the victim and ask whether the victim desires one. Where the officer fears for the safety of the victim, but the victim does not desire an EPRO, an investigating officer shall request one on behalf of the victim (Family Code section 6275.) The officer shall advise the victim that an EPRO has been issued. Every effort must be made to provide the victim with a copy of the EPRO at the earliest opportunity.

   b. If an EPRO is appropriate, the application should be completed. Even if the suspect is no longer at the scene, an EPRO request is appropriate. The officer should note on the application whether or not the suspect has been arrested, or will be arrested when located. During normal court hours the police officer should call the Family Court at (408) 534-5601 and ask to speak to a judge available to
process an EPRO. After 5 PM on weekdays, on weekends, and
holidays, the police officer should call County Communications at
(408) 299-2501 and ask for the Duty Judge to call back. The police
officer should leave the phone number where they can be reached.
Officers should ensure that the telephone equipment is operational
before requesting that the Duty Judge utilize that number. If the Duty
Judge is not available, the officer should ask to speak to another
Judge.

2. In a non-arrest situation where an EPRO is desired, the officer should
complete an application and then contact the Duty Judge or Family
Court for evaluation and issuance of the EPRO.

3. Upon obtaining an Emergency Protective Order, a Law Enforcement
Officer must take the following FOUR (4) actions (Family Code section
6723):

a. Serve the order on the restrained person. An officer is to make a
reasonable attempt to serve the restrained party. If they are present
or can be readily contacted, serve the order and complete the Proof
of Service on the form. Document whether and how the order was
served in the police report.

b. Give a copy to the Protected Person.

c. File a copy with the Court. Once an EPRO is issued, it is the
responsibility of the police agency to promptly file the EPRO with the
Family Justice Center Courthouse at 201 N. First St., San Jose,
California 95113.

d. Enter the order into the Department of Justice’s computer database.

   Note: Copies of the EPRO should be distributed as follows:

   Original   –  Court
   Yellow     –  Restrained Person
   Pink       –  Protected Person
   Goldenrod  –  Law Enforcement Agency

4. A judicial officer may also issue an EPRO if a peace officer asserts
reasonable grounds to believe that a person is stalking another person
as defined in PC 646.9 (authority PC 646.91).

5. Persons subject to restraining orders are required to turn over all
firearms/ammunition when requested to do so by law enforcement.
Refer to Firearm Removal Protocol (page 69 of this Protocol) if
necessary. No minor should have a firearm or ammunition in his/her
possession.
F. Out-of-State Protective Orders

Officers shall enforce out-of-state protective or restraining orders that are presented to them if conditions below are met. “Out-of-state” orders include those issued by U.S. Territories, Indian tribes, and military agencies.

1. The order appears valid on its face.
2. The order contains both parties’ names.
3. The order has not yet expired. (Full Faith and Credit Provision of the Violence Against Women Act, Family Code sections 6400-6409).

Officers should check CLETS to determine if the order has been registered in California. If the order is not registered, an attempt should be made to contact the foreign jurisdiction or its registry for confirmation of validity. If validation cannot be substantiated, contact the Duty Judge for an EPRO, but the out-of-state protective or restraining order must still be enforced if it meets the above criteria. If not registered in California, parties should be advised to immediately register the order through the Family Court.

G. Canadian domestic violence protective orders (See Family Code section 6452-6457.)

Officers shall enforce Canadian domestic violence protection orders that are presented to them if the conditions below are met. A certified copy of the Canadian order is not required.

1. The order identifies a protected person and a respondent;
2. The order is valid and in effect;
3. The issuing (Canadian) court had jurisdiction over the parties and the subject matter under law applicable in the issuing court, and
4. The order was issued after either the respondent had reasonable notice and had an opportunity to be heard or, in the case of an ex parte order, the respondent was given notice and had or will have an opportunity to be heard within a reasonable time after the order was issued, in a manner consistent with due process. (Family Code section 6453.)

H. Firearm removal after a restraining order has been issued.

1. When an officer verifies that a restraining order has been issued, the officer will make reasonable efforts to:
   a. Inquire of the restrained person, if present or contacted during the investigation, if they possess firearms.
b. Inquire through the CLETS and the Consolidated Firearms System (CFS) to determine if any firearms are registered to the restrained person.

c. Inquire of the protected person whether the restrained person possesses any firearms.

d. Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search.

e. Request the immediate surrender of firearms and ammunition when a person is served with a domestic violence protective order, rather than having to wait 24 hours for the person to self-surrender the firearms.

f. Request a search warrant in appropriate circumstances. (See Pg.33 under “Follow-Up Investigation”.)

2. A restrained party may not own, possess or purchase a firearm or ammunition (FC 6389). An investigating agency may need to:

a. Inquire if the restrained person possesses any firearms or ammunition.

b. Investigate the results of efforts made to locate and seize any unlawfully possessed firearms or ammunition.

3. All law enforcement agencies shall have the responsibility of receiving and storing firearms surrendered pursuant to a restraining order for residents in their jurisdiction.

4. Each county law enforcement agency having responsibility for the investigation of domestic violence shall adopt policies and procedures addressing the receipt, storage and release of firearms surrendered or seized pursuant to a restraining order.

5. A restrained party should get a “Property Removal” Order signed by a Judge in order to obtain and effectuate a civil standby order to remove personal property. (See Form FM-1102 on page 66 of this Protocol.)
Restraining Order Admonition

What should you do if a court order prohibits you from contacting a protected person and the protected person initiates contact with you?

The law (Penal Code Section 13710 (b)) clearly states that the terms and conditions of the protective order remain enforceable, notwithstanding the acts of the parties, and may be changed only by order of the court.

This means if the protected person calls you, invites you over or contacts you in any manner, you must quickly end all such contact. You must hang up the phone, decline the invitation or leave the immediate area where they are. If you do not do this, you can and will be arrested for violating the protective order.

The protective order prohibits you from having any contact with the protected person. This order does not prohibit them from contacting you, therefore they are not breaking the law; but you are if you continue the contact.

In order for a protective order to be modified to allow contact, the party requesting the order must return to court and make that request. That individual will get a document (piece of paper) showing that the order was modified. If the protected person tells you the order was modified to allow peaceful contact, ask to see the document, make a copy of it and carry it on your person at all times.
A. If a victim has injuries, visible or not, which require medical attention, officers shall administer first aid, as appropriate, and offer to arrange for proper medical treatment. The officer shall transport or call for transport of the victim and children to a hospital for treatment when necessary, or stand by until the victim and children can safely leave.

B. When a victim in a domestic violence incident requests police assistance in removing a reasonable amount of personal property (e.g., a suitcase) to another location, officers shall stand by a reasonable amount of time until the party has safely done so.

C. In all domestic violence incidents, an officer shall:

1. Assist in making arrangements to transport the victim to an alternate shelter if the victim expresses a concern for safety or the officer determines a need exists.

2. Explain options available to the victim including the private person's arrest process, temporary restraining orders, Emergency Protective Restraining Orders, changing of locks and in cases of arrest, the follow-up procedures in ensuing criminal or juvenile justice proceedings.

3. Advise the victim about the Victim’s Rights Act of 2008, and provide the victim with a DOJ or Santa Clara County “Marsy’s Card”.

4. Advise the victim of available community resources and the California Victim Compensation Program. (This includes the victim of an alleged battery or corporal injury to a domestic partner.) Pursuant to Penal Code section 13701, officers shall furnish victims with a “Domestic Violence Resource Card” which includes the phone number for the Victim Services Unit in Santa Clara County (408-295-2656) and the toll free number for the California Victim Compensation Program (1-800-777-9229). The card shall include the names and phone numbers of shelters or counseling centers, and state that domestic violence or assault by a person who is known to the victim or who is the spouse of the victim is a crime. The card will contain an explanation of the Santa Clara County Victim Notification Service (1-800-464-3568).

5. Inform the victim that the domestic violence resource card states that the victim has the right to have a domestic violence advocate and a support person of the victim’s choosing present at any follow-up interview conducted by law enforcement authorities, prosecutors, or defense attorneys. Officers should also advise that a victim can contact of the advocacy centers immediately.
6. Verify and enforce court issued protective orders pursuant to this protocol.

7. Exercise reasonable care for the safety of the officers and parties involved. No provision of this instruction shall supersede that responsibility.

8. Provide a copy of the report relating to domestic violence to the victim at no charge when requested, or to the representative of the victim even if the victim is not deceased (FC 6228). A qualifying representative of a living victim is a parent, guardian, adult child, or adult sibling who presents to law enforcement identification and a signed authorization (if the victim is age 12 or older) by the victim allowing the family member to act on the victim’s behalf; an attorney for the victim who presents to law enforcement identification and a written proof that they are the attorney for the victim; and a conservator of the victim who presents identification and a copy of the letters of conservatorship demonstrating that he or she is appointed conservator of the victim.

D. If the suspect is taken into custody, the victim will be provided the option of having their phone number blocked by the Santa Clara County Department of Corrections to prevent the suspect from contacting the victim while the suspect is in custody.
MILITARY SUSPECTS

A. All domestic violence incidents involving military suspects shall be handled according to this law enforcement protocol if:

1. The incident occurred outside the boundaries of a military facility; or

2. Local law enforcement agencies are called to assist in handling such an incident.

B. The intent of this policy is to eliminate all informal referrals, diversions, or report taking omissions in the handling of domestic violence incidents involving military personnel.

C. No informal agreements with military police or a suspect's commanding officer shall take precedence over a suspect's arrest and prosecution by non-military authorities.

D. The Field Officer should determine the suspect's military status (active or reserve) and current duty station.

JUVENILE SUSPECTS

All provisions of this protocol, including pro arrest and booking of the perpetrator, whether a felony or misdemeanor, enforcing Protective and Restraining Orders, shall be applied to all juvenile cases of domestic violence. Domestic violence, as defined by the Penal Code, is violence perpetrated against juveniles as well as adults. Domestic violence includes violence perpetrated by or against juveniles.
**LAW ENFORCEMENT SUSPECTS**

All domestic violence incidents involving peace officer suspects, as statutorily defined, should be handled according to this protocol.

Any field officer investigating an alleged incident of domestic violence involving a law enforcement suspect must notify an on-duty supervisor or watch commander as soon as possible. The investigating officer shall not leave the scene of the investigation until the on-duty supervisor or watch commander has been notified. The investigating agency shall notify the employing agency as soon as possible after the incident or initial report. All alleged incidents of domestic violence involving suspects who are employed as peace officers will be reviewed by the District Attorney’s Office. All reports and information regarding suspects who are employed as peace officers shall be delivered to the suspect’s law enforcement employer as soon as practical at the completion of the investigation.

The investigating agency shall contact their local domestic violence agencies for assistance when referring the victim to an advocate trained in working with victims of domestic violence perpetrated by law enforcement suspects.

Each law enforcement agency should follow its protocol for conducting an internal investigation regarding the incident.

---

**CAMPUS ASSAULTS**

If an officer takes a report of a domestic violence incident on a high school, college or university campus, and the victim is a student, the officer shall: 1) advise the victim of additional resources that are available to them on campus, and 2) if the suspect is also a student at the same institution, advise the victim of their rights under Title IX, including the name and phone number of the Title IX Coordinator at their campus.
TRAINING

A. Each law enforcement agency shall conduct mandated domestic violence training for members of the agency per 13519(b) PC and 13730 PC. In addition, the Domestic Violence Council and its sub-committees, in partnership with the Santa Clara County Police Chiefs’ Association and the District Attorney’s office, will conduct a four (4) hour “Train the Trainer” course on the annual changes to this protocol in the spring of each year. In addition, topical and relevant training will supplement the training of the protocol, and can include, but is not limited to:

- victim’s rights,
- understanding victims and batterers,
- understanding the effects of DV on children,
- understanding the unique issues affecting LGBTQ victims and batterers,
- understanding how to determine the dominant aggressor,
- lethality assessments,
- death review,
- proper investigation techniques,
- cultural and language sensitivity,
- restraining orders,
- firearms laws,
- victim advocacy groups and resources,
- DA and Court policies and procedures, and
- Other relevant topics.

B. Additional training should include written bulletins, DVD’s, videotapes, verbal reminders, and updates during patrol briefings.

C. The Chief of Police, Sheriff, or their designee, shall ensure the review of their department’s training policies annually and make any revisions deemed necessary.
DOMESTIC VIOLENCE STATUTES

All Penal Code statutes listed below apply equally to adults and juveniles.

<table>
<thead>
<tr>
<th>Victim’s Relationship to Defendant</th>
<th>Law Enforcement Response</th>
<th>Spouse/ Cohabitant Assault</th>
<th>Restraining Orders</th>
<th>Emergency Protective Orders</th>
<th>Confiscating Firearms</th>
<th>Domestic Violence Battery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spouse</td>
<td>PC 13700</td>
<td>PC 273.5</td>
<td>FC 6218</td>
<td>FC 6300</td>
<td>PC 12028.5</td>
<td>PC 243(e)</td>
</tr>
<tr>
<td>Former Spouse</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Cohabitant</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Former Cohabitant</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Dating Relationship (current or former)</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Engaged or Formerly Engaged</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Co-parent</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Child</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Parents &amp; Other People Related by Consanguinity (aunts, uncles, grandparents, etc.)</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>
DOMESTIC VIOLENCE FLOW CHART

Processes charted below apply to both adult and juvenile cases.

Currently or previously were Married, Engaged, Dating or Cohabiting.

- Force
  - Visible Injury or Pain: Officer Arrests* PC 273.5, 245, 243d, etc.
    - Emergency Protective Order
  - No visible injury: Officer Arrests* PC 245, 242/243(e), 236/237, etc. (per 836(d) if misdemeanor)
    - Emergency Protective Order

- No Force
  - Fear Present: Threat: Officer Arrests* PC 422, 136, etc. or Report per 13730 PC
    - Emergency Protective Order
  - No Fear Present: No Report

*All arrests require probable cause to believe that a crime occurred.
The Santa Clara County District Attorney’s Office, Victim Services Unit is designed to assist victims of violent crime by providing emotional support, crisis intervention services, resource and referral assistance, compensation for crime-related expenses, and comprehensive support throughout the criminal justice system. Victim Advocates are available to provide or arrange services to meet the material, emotional and informational needs experienced by victims of crime, thereby allowing for a swifter and more complete recovery from the impact of the crime. Victim Advocates demonstrate an understanding of victims’ rights law, the dynamics of victimization, crisis intervention, and adult and juvenile criminal justice procedures. Victim Services Unit’s Advocates can assist victims in applying for the California Victim Compensation Program.

Who is eligible for the California Victim Compensation Program?

“Victim” – anyone who suffers physical injury or threat of physical injury as a result of a crime that occurs in California providing the person is reasonably willing to assist law enforcement in the investigation and/or prosecution of the crime. A California resident, victimized elsewhere, may also be eligible for assistance. Children who reside in a home where domestic violence has occurred are also considered victims, regardless of whether they witnessed the crime.

“Derivative Victim” – other members of the victim’s family or household (may include, but not limited to: parent, sibling, spouse, grandparents, grandchildren) who are affected emotionally by the crime. Persons who become primary caretakers of children as a result of a crime may also be considered derivative victims and minor witnesses who suffer emotional injury as a result of seeing or hearing a violent crime. This includes minors in close proximity to the victim.

What assistance is available through the Victim Compensation Program?

Temporary Lodging. When the need is immediate, police officers may recommend victims to seek lodging (hotel, motel) for later reimbursement.

Counseling and mental health treatment up to $10,000 for victims and $3,000 for derivative victims (a higher limit of $10,000 is available to some derivative victims). Children who reside in a home where domestic violence has occurred are considered direct victims.

Home security upgrade up to $1,000.

Medical and dental expenses resulting from the crime.

Moving or relocation expenses up to $2,000 per household.

Qualifying wage or income loss due to a crime related disability.

Support loss for dependents of deceased or disabled victims, up to $70,000 combined and shared by all derivative victims.
Job retraining for disabled victims.

Home or vehicle renovation or retrofitting for permanently disabled victims up to $63,000.

Funeral and/or burial expenses up to $7,500.

Crime scene clean-up up to $1,000 for qualifying crimes that occurred in a residence or a vehicle performed by State certified practitioners.

**Important:** Victims are encouraged to file a claim with the California Victim Compensation Program to establish eligibility whether or not there is a current need.

**Questions & Answers**

**How can police officers assist a victim in obtaining assistance through the Victim Services Unit?**

Police officers should always provide a domestic violence victim with the phone number for the Victim Services Unit and explain benefits available through this program.

During weekday business hours, police officers may call the Victim Services Unit to refer a victim and facilitate the submission of an application by the victim. Victims may also call the Victim Services Unit directly. Completion of a Law Enforcement Relocation Recommendation Form (form attached) by a police officer will help expedite requests for temporary lodging and permanent relocation.

When temporary lodging (hotel, motel) is needed after business hours, a police officer should explain to a victim that reimbursement for temporary lodging expenses is possible through the Victim Services Unit. The officer should complete a Law Enforcement Relocation Recommendation Form (form attached), fax the form to the Victim Services Unit, and instruct the victim to call the program as soon as possible during business hours to submit an application for assistance.

**Note:** A Letter of Recommendation may be made by any law enforcement officer, and can include a probation officer, a parole agent, a district attorney or a judge.

**Are all persons involved in a domestic violence incident eligible for assistance?**

No, those ineligible for assistance include:

- Perpetrators or persons who committed the crime.
- Persons under supervision for a violent felony conviction (even if a domestic violence victim) except when the victim is killed, then funeral and burial expenses may be covered but not medical expenses.

**How quickly can a victim receive reimbursement for qualifying expenses?**

Once an application is submitted, a copy of the crime report has been received, and all other relevant documents are submitted, the Victim Witness Assistance Program may issue a reimbursement check for qualifying expenses on the same day, if there is an immediate need or within 15 days. If there is no immediate need, general processing time is 30 to 90 days for reimbursement.
If a victim receives benefits through the California Victim Compensation program, then refuses or neglects to assist law enforcement in the investigation and/or prosecution of the crime; will the victim be required to repay the State?

If a victim chooses to stop cooperating with law enforcement and/or prosecution, such action may result in the discontinuance of financial reimbursement for crime related expenses. The California Victim Compensation Program has discretion in determining the level of cooperation and may consult with law enforcement to determine a victim’s reasonable level of cooperation.

**What are the time limitations for seeking assistance through the California Victim Compensation Program?**

Effective January 1, 2013, victims must establish eligibility for assistance within three year of the incident date. Late applications may be allowed under some restricted good cause guidelines. Once a victim establishes eligibility, the victim may request assistance at any time thereafter.

**Is temporary lodging and permanent relocation both available to a victim?**

Yes, a victim may request temporary lodging and assistance with permanent relocation. However, assistance provided for temporary lodging is included in the victim’s maximum relocation benefit of $2,000 per qualifying family or household member.

For additional information or to apply for assistance, contact:

Victim Services Unit:
70 W. Hedding Street, Suite 130
San Jose, CA 95110
Phone: (408) 295-2656  Fax: (408) 289-5430
victimservices@dao.sccgov.org
**Law Enforcement Relocation Verification Form**

**CalVCB Application No.:**

**Instructions:** This form is for law enforcement to document the threat to the personal safety of the crime victim seeking relocation benefits from the California Victim Compensation Board (CalVCB). This form may be used with or without a letter from law enforcement. If a letter is submitted without this form, it must be on the law enforcement agency's letterhead and contain all of the information requested in this form including signature, title, and badge number (if applicable).

### Victim Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
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<td></td>
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</tbody>
</table>

### Crime Information

<table>
<thead>
<tr>
<th>Crime Date</th>
<th>Crime Code</th>
<th>Crime Report Number</th>
</tr>
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<tbody>
<tr>
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</tbody>
</table>

From the date of the crime to the present, has the victim been in prison, on probation, on parole, or post-release community supervision because of a felony? [ ] Yes [ ] No

Is the victim required to register as a sex offender? [ ] Yes [ ] No

Is or was it necessary for the victim to relocate for personal safety? [ ] Yes [ ] No [ ] Not enough information to determine

If Yes, besides the elements of the crime, please describe the threat to the victim's personal safety:

Is the perpetrator incarcerated? [ ] Yes [ ] No

If Yes, what is the expected release date?

If Yes, is there still a threat to the victim's safety? [ ] Yes [ ] No

If Yes, please explain the nature of the threat:

If more than 50 days has passed since the crime, is there still a credible threat to the victim? [ ] Yes [ ] No

Please explain:

Name of Law Enforcement Official Providing Information (print):

Agency Name: Contact Phone Number:

Signature: Badge Number (if applicable): Date:

**FOR STAFF USE:** If Form is not fully completed, contact the Law Enforcement agency, add the missing information, complete the section below and have the document scanned in.

Law Enforcement Official Providing Information Badge Number Phone Number

VW Center Name, Number and Advocate/Staff Completing This Form Phone Number Date

---

VER-C-LM-RLEV-R
DRS Code – 19229
Rev. 08/2016

CALIFORNIA VICTIM COMPENSATION BOARD
PO Box 3036 • Sacramento, CA 95812 • Phone: 800.777.9229 • Fax: 1.888.902.8659 • CalVCB.ca.gov

58
Date: | Case #: |
---|---|
Officer: | Agency: |
Victim: | Offender: |
Victim's Safe Numbers to Call: | Would you like to provide names/phone numbers of 2 people that can reach you? |
Home: | 1. |
Cell: | 2. |
Work: | |

Is the victim monolingual/limited English proficient? If yes, what language do they speak?

☐ Check here if the victim did not answer any of the questions.

*If the victim answers YES to any questions 1-3, please call the appropriate domestic violence crisis hotline and have the counselor speak with the victim.*

1. Has your current or previous partner ever used a weapon against you or threatened you with a weapon?  □ Yes □ No □ No Answer
2. Have they threatened to kill you or someone else?  □ Yes □ No □ No Answer
3. Do you think your current or previous partner might try to kill you?  □ Yes □ No □ No Answer

*If the answers to the above questions are NO but at least 4 of the questions below are YES please contact the hotline. ("They" refers to the current or previous partner.)*

4. Do they have a gun or can they easily get one?  □ Yes □ No □ No Answer
5. Have they ever tried to choke/strangle you?  □ Yes □ No □ No Answer
6. Are they violently or constantly jealous or try to control most of your daily activities?  □ Yes □ No □ No Answer
7. Have you left or separated from your partner after living together or being married?  □ Yes □ No □ No Answer
8. Are they unemployed?  □ Yes □ No □ No Answer
9. Have they tried to commit suicide?  □ Yes □ No □ No Answer
10. Do you have a child that they know is not theirs?  □ Yes □ No □ No Answer
11. Do they follow or spy on you or leave threatening messages?  □ Yes □ No □ No Answer
12. Is there anything else that worries you about your safety? If yes, what concerns do you have?

*Officers are encouraged to call the hotline whenever they believe the victim is in a potentially lethal situation regardless of the victim's responses to the questions above.*

Check one:  □ Victim screened in based on responses □ Victim did not screen in

Did the victim speak with the hotline counselor?  □ Yes □ No

San Jose, Mountain View, Palo Alto, Los Altos, Sunnyvale, Milpitas, YWCA Silicon Valley: 1-800-572-2782 / FAX: 408-293-9696

Sheriff’s Office, Campbell, Santa Clara, Los Gatos-Monte Sereno, Next Door Solutions: 408-279-2962 / FAX: 408-279-7577

Morgan Hill, Gilroy, South County Sheriff, Community Solutions: 1-877-363-7238 / FAX: 408-778-9672

PLEASE FAX THIS DOCUMENT TO THE APPROPRIATE DOMESTIC VIOLENCE AGENCY
Conducting the Lethality Assessment:

This evidence-based Lethality Assessment tool is a user-friendly, straightforward instrument that predicts danger and lethality in domestic incidents between intimate or former intimate partners to a high degree. Research shows that only 4% of abused victims had used a domestic violence hotline or shelter within the year prior to being killed by an intimate partner. This Assessment encourages victims in high danger to seek domestic violence program services to prevent serious injury or death.

Purpose:

a. To improve the way law enforcement and the community respond to victims;
b. To educate and empower victims;
c. To respond more strategically to high danger or lethal situations; and
d. To enhance cooperation, communication and collaboration among law enforcement and domestic violence service providers.

Step 1 – Fill out the Lethality Assessment form with the victim.

The officer should advise the victim that they will ask a short series of questions to help the officer determine how much immediate danger the victim is in. The assessment questions should be asked in the order they are listed on the form.

Ask all the questions, even if the victim responds positively to questions 1-3, which triggers a hotline call. The more questions the victim responds to positively, the clearer and more immediate it is that the victim is in danger.

Step 2 – Assess the responses to the lethality assessment.

“Yes” to Questions 1, 2 or 3 = Call Hotline

“No” to Questions 1-3 but “Yes” to four of Questions 4-11 = Call Hotline

“No” responses may still warrant a hotline call if the officer believes it is appropriate. An officer may call the hotline and assess the victim as being in high-danger whenever they believe the victim is in a potentially lethal situation.

Step 3 – Victim is Assessed as High-Danger – Referral Process.

1. Explain assessment to victim.
2. Advise that you need to call hotline and you would like for victim to speak with an advocate. (Remember: You are seeking the victim’s permission.)
3. If victim does not want to speak with an advocate, tell victim you need to speak with an advocate to seek guidance and gently ask victim to reconsider. Let the victim know that the advocate’s services are
free and confidential. They can assist with safety planning, emergency shelter and legal assistance.
4. Call the hotline and give them the basic facts.
5. If victim still does not want to speak with an advocate, follow procedures under step 4 below.

Step 4 – Victim is assessed as non-high danger, or the victim did not/could not participate in assessment or hotline call:

1. Advise of dangerous situation.
2. Advise to watch for signs of danger.
3. Refer to providers on DV resource card.

Step 5 – Provide the victim with the DV resource card, case number and Marsy’s card as per the DV protocol.

Step 6 – As soon as is practical, please fax all Lethality Assessment forms to the appropriate DV organization listed on the bottom of the form regardless of the answers or whether or not the victim answered any of the questions. The goal is to connect every domestic violence victim with a confidential advocate as soon as possible.
Conflicting Orders: What to Enforce When You Have Multiple Orders?
Penal Code § 136.2, and Family Code §§ 6383 (h), 6405 (b)

(1) Is there an EPRO?

Yes

Enforce the EPRO! 
as long as it is the more restrictive order

No

(2) Is one of the orders a no-contact order?

Yes

Enforce the no-contact order!

No

(3) Are there both civil and criminal restraining orders?

Yes

Enforce the criminal order!

Non-conflicting terms of the civil order remain in effect

No

(4) Are there multiple civil orders? (e.g. Family, Juvenile or other civil court)

Enforce the most recent order!
EMERGENCY PROTECTIVE ORDER

1. PROTECTED PERSONS (insert names of all persons protected by this Order):

2. RESTRAINED PERSON (name):

   Sex: [ ] M [ ] F  Ht.:  Wt.:  Hair color:  Eye color:  Race:  Age:  Date of birth:

3. TO THE RESTRAINED PERSON:
   a. [ ] YOU MUST NOT harass, attack, stalk, threaten, assault (sexually or otherwise), hit, follow, steal, molest, destroy any personal property of, disturb the peace of, keep under surveillance, or block the movements of any person named in Item 1.
   b. [ ] YOU MUST NOT contact, either directly or indirectly, by any means, including but not limited to by telephone, mail, e-mail, or other electronic means, any person named in Item 1.
   c. [ ] YOU MUST stay away at least _______ yards from each person named in Item 1.
      [ ] stay away at least _______ yards from
      [ ] move out immediately from

   d. [ ] YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms, you must turn them in to a law enforcement agency or sell them to, or store them with, a licensed gun dealer.
   e. [ ] YOU MUST NOT take action, directly or through others, to obtain the addresses or locations of any person named in Item 1.

4. [ ] (Name):

   To give temporary care and control of the following minor children of the parties (names and ages):

5. THIS ORDER WILL EXPIRE AT THE CLOSE OF THE COURT BUSINESS DAY ON:

6. TO THE PROTECTED PERSON: If you need protection for a longer period of time, you must request restraining orders from the court in the county where you live:

   (Name and address of court):

   If you go to court to request restraining orders, take your copy of this form with you. If a juvenile petition is pending, file that court.

7. Reasonable grounds for the issuance of this Order exist, and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

8. Judicial officer (name):

   [ ] Granted this Order (stated)

   [ ] at (time):

9. APPLICATION

   The events that caused the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (except simply financial abuse), or stalking are (give facts and dates; specify weapons):

10. [ ] Firearms were:  [ ] observed  [ ] reported  [ ] searched for  [ ] seized

11. [ ] The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in Item 9.

12. [ ] The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in Item 8. A custody order [ ] does  [ ] does not exist.

By:

(PRINT NAME OF LAW ENFORCEMENT OFFICER)

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency:

Telephone No.:

Badge No.:

13. PROOF OF SERVICE

14. I personally delivered copies of this Order to the person served as follows:

   Date:  Time:

   Address:

15. At the time of service, I was at least 18 years of age and not a party to this cause.

16. If a California law enforcement officer:

   [ ] I am a California law enforcement officer:

   My name, address, and telephone number are (this does not have to be served's home telephone or address):

   Name:

   Address:

   Telephone:

   I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

   Date:

   Signature of Serve/
EMERGENCY PROTECTIVE ORDER
WARNINGS AND INFORMATION

TO THE RESTRAINED PERSON: VIOLATION OF THIS ORDER IS A MISDEMEANOR PUNISHABLE BY A $1,000 FINE, ONE YEAR IN JAIL, OR BOTH, OR IT MAY BE PUNISHABLE AS A FELONY. THIS PROTECTIVE ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF CALIFORNIA WHO ARE AWARE OF OR SHOWN A COPY OF THE ORDER. THE TERMS AND CONDITIONS OF THIS ORDER REMAIN ENFORCEABLE REGARDLESS OF THE ACTS OF THE PARTIES; IT MAY BE CHANGED ONLY BY ORDER OF THE COURT (PELICAN CODE SECTION 13710(b)).

YOU ARE PROHIBITED FROM OWNING, POSSESSING, PURCHASING, RECEIVING, OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION. (PELICAN CODE SECTIONS 29825(a), 30305(a)). A VIOLATION IS SUBJECT TO A $1,000 FINE AND IMPRISONMENT OR BOTH. WITHIN 24 HOURS OF RECEIPT OF THIS ORDER, YOU MUST TURN IN YOUR FIREARMS TO A LAW ENFORCEMENT AGENCY, SELL THEM TO A LICENSED FIREARMS DEALER, OR STORE THEM WITH A LICENSED FIREARMS DEALER UNTIL THE EXPIRATION OF THIS ORDER. (PELICAN CODE SECTION 29830.) PROOF OF SURRENDER, SALE, OR STORAGE MUST BE FILED WITH THE COURT WITHIN 48 HOURS OF RECEIPT OF THIS ORDER.

To the restrained person: This order will last until the date and time noted in item 5 on the reverse. The protected person may, however, obtain a more permanent restraining order from the court. You may seek the advice of an attorney on any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

A la persona bajo restricción judicial: Esta orden durará hasta la fecha y hora indicadas en el punto 5 del dorso. La persona protegida puede, sin embargo, obtener una orden de entredicho (restricción judicial) más permanente de la corte. Usted puede consultar a un abogado en conexión con cualquier asunto relacionado con esta orden. Debe consultar al abogado inmediatamente para que él o ella le pueda ayudar a responder a la orden.

To the protected person: This order will last only until the date and time noted in item 5 on the reverse. If you wish to seek continuing protection, you will have to apply for an order from the court at the address in item 6. You may apply for a protective order free of charge. In the case of an endangered child, you may also apply for a more permanent order at the address in item 6, or if there is a juvenile dependency action pending, you may apply for a more permanent order under section 213.5 of the Welfare and Institutions Code. In the case of a child being abducted, you may apply for a Child Custody and Visitation Order from the court. You may seek the advice of an attorney on any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application. You do not have to have an attorney to get the protective order.

A la persona protegida: Esta orden durará sólo hasta la fecha y hora indicadas en el punto 5 del dorso. Si usted desea que la protección continúe, tendrá que solicitar una orden de la corte en la dirección indicada en el punto 5. La solicitud de la orden de protección es gratis. En el caso de que un niño o una niña se encuentre en peligro, puede solicitar una orden más permanente en la dirección indicada en el punto 5. o si hay una acción legal pendiente de tutela juvenil, puede solicitar una orden más permanente conforme a la sección 213.5 del código titulado en inglés Welfare and Institutions Code. En el caso del secuestro de un niño o una niña, usted puede solicitar de la corte una orden para la guarda del niño o de la niña (Child Custody and Visitation Order). Puede consultar a un abogado en conexión con cualquier asunto relacionado con las solicitudes de órdenes de la corte que usted presente en el futuro. Debe consultar un abogado inmediatamente para que él o ella le pueda ayudar a presentar su solicitud. Para obtener la orden de protección no es necesario que un abogado le represente.

To law enforcement: The emergency protective order shall be served upon the restrained party by the officer, if the restrained party can reasonably be located, and a copy shall be given to the protected party. A copy shall be filed with the court as soon as practicable after issuance. Also, the officer shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice. The availability of an emergency protective order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse. A law enforcement officer shall use every reasonable means to enforce an emergency protective order. A law enforcement officer who acts in good faith to enforce an emergency protective order shall not be held civilly or criminally liable.

If a child is in danger of being abducted: This order will last only until the date and time noted in item 5 on the reverse. You may apply for a child custody order from the court.

En caso de peligro de secuestro de un niño o de una niña: Esta orden será válida sólo hasta la fecha y hora indicadas en el punto 5 del dorso. Usted puede solicitar de la corte una orden para la guarda del niño o de la niña (Child Custody and Visitation Order).

This emergency protective order is effective when made. This order shall expire on the date and time specified in item 5 on the reverse. The provisions of this emergency protective order take precedence in enforcement over provisions of other existing protective orders between the same protected and restrained persons to the extent the provisions of this order are more restrictive. In other words, the provisions in this emergency protective order take precedence over the provisions in any other protective order, including a criminal protective order, if (1) the person to be protected is already protected by the other protective order, (2) the person to be restrained is subject to that other order, and (3) the provisions in this emergency order are more restrictive than the provisions in that other order. The provisions in another existing protective order remain in effect and take precedence if they are more restrictive than the provisions in this emergency protective order.

EMERGENCY PROTECTIVE ORDER (CLETs-EPO) (Domestic Violence, Child Abuse, Elder or Dependent Adult Abuse, or Stalking)
CALIFORNIA SECRETARY OF STATE SAFE AT HOME PROGRAM

Safe at Home is California's address confidentiality program administered by the California Secretary of State's office. The program, which provides a free post office box and mail forwarding service, is designed to help victims and survivors of domestic violence, stalking or sexual assault to start new lives in peace and to provide added protections to their overall safety plans.

Safe at Home is not a Witness Protection Program, nor does it provide relocation, counseling or legal services. Safe at Home laws apply to state and local government agencies, but not to private entities or to the federal government. Participants are not automatically qualified for other victim services programs; they must meet specific qualifications in order to be eligible for services administered by the Secretary of State’s office, county Registrar of Voters offices, the California Superior Court System, and the California Department of Motor Vehicles.

Available Services

Agent for Service of Process

The Secretary of State acts as your agent for service of process to protect your address information from being disclosed to the other party in your court case. When you enroll, Safe at Home instructs the other party and his or her attorney to serve court-related correspondence on the Secretary of State’s office in Sacramento. The service is then forwarded by certified mail to your confidential address. (per Government Code §6206(a)(5))

Confidentiality for Children

If your children are enrolled, Safe at Home can provide an additional layer of protection for them, too. You can notify your enrolled child’s school of your family's participation in Safe at Home and prevent sharing of information about your child. (per Government Code §6206(a))

Confidential Mail-Forwarding

First-class mail is securely handled and forwarded to your confidential home or mailing address. Residence address information is required to be current at all times and you must be domiciled in California in order to enroll or renew your enrollment in the program. (per Government Code §6206(a))

Confidential Name Change

You may be eligible to petition a California court for a confidential name change. It is important to talk with a legal advisor before proceeding with a confidential name change. Safe at Home is responsible for filing the name change documents with the Secretary of State's office, but does not provide legal advice or assistance with completing the confidential name change process. (per Government Code §6206.4, Code of Civil Procedure §1277)
Confidential Voter Registration

You may be eligible to complete a confidential voter registration card and become a confidential voter. As a confidential voter, you can vote by mail and protect your voter registration information from campaigns, the media, and the general public. (per Government Code §6207.5, Elections Code §2166.5)

Department of Motor Vehicles (DMV) Records Suppression

The California Department of Motor Vehicles can suppress your driver license and vehicle registration records if you have a clean driving record and no criminal history. Suppression of these records protects your address information from being available on various state databases. A specific request to the DMV Confidential Records Unit is required in order to access the records. (per Government Code §6207(e), Vehicle Code §1808.21(d))

Internet Disclosure Prohibition

The California Office of the Attorney General, Privacy Enforcement and Protection offers an online opt-out form Safe at Home participants can use to remove their home address, telephone number or personal identifying information from a website. The law also prohibits a person, business, or association from knowingly and intentionally posting or displaying on the Internet, or soliciting, selling, or trading on the Internet a participant's home address, telephone number or personal identifying information and imposes a fine for violations of this law. (per Government Code §6208.1 and 6208.2)
FM-1102 Other Orders – Property Removal

1. Protected Person’s name: ___________________________________________

2. Restrained Person’s name: _________________________________________

3. Taking personal items of property: As a one-time exception to the “Personal Conduct” and “Stay Away” orders attached to this form, the ☐ Restrained Person ☐ Protected Person:
   a. ☐ May take agreed upon items of property from the ☐ Protected Person’s ☐ Restrained Person’s home. Items that the parties do not agree upon must not be taken unless the Court makes an order allowing the items to be removed. The agreed upon items of property may be taken between (date) __________ and (date) __________ between (times) __________ and __________.
   b. ☐ May only take items of property that are described in item 7. The items may be taken between (date) __________ and (date) __________ between (times) __________ and __________.
   c. ☐ Must send a written list of personal property items which are being requested to the other party by mail calendar days in advance of the removal date and items which are agreed upon must be removed as set forth above in section 3a. The mailing of this list by the Restrained Person (if applicable) is an exception to the No Contact Orders.
   d. ☐ Must place the other party’s personal belongings as listed in item 7 in a box or boxes for pick up/biweekly to the other party or his/her designated representative. The terms of pick up/biweekly must be as follows:

4. Civil Standby: A “Civil Standby” is when a Law Enforcement Officer comes to a place to make sure that the situation there is peaceful. The party who is removing his/her personal items must give a copy of these Property Removal Orders to the Law Enforcement Officer. Both parties must obey the instructions of the Law Enforcement Officer. A Civil Standby may last up to thirty minutes but may be stopped at any time by the Law Enforcement Officer.

5. ☐ Peaceful Communication: The parties may communicate peacefully with each other regarding the property removal while the items of property are being removed as an exception to the attached Personal Conduct Orders. Any Law Enforcement Officer present while the items of property are being removed has the authority to stop all communication. Such communication, if peaceful, is an exception to any No Contact Orders.

6. Others present at property removal:
   a. ☐ Minor children shall not be present during property removal.
   b. ☐ The property removal shall not take place __________________________ (name of party) or his/her designated representative is not present.
   c. ☐ Each party may have up to two other people who are not listed as protected people on this Restraining Order present while the items of property are being removed. Any contact between the parties and these people must be peaceful.
   d. ☐ The parties may not have others present when the items of property are removed.
   e. ☐ The following people ☐ may be ☐ may not be present when the items of property are removed:

7. Other Orders:
   a. The orders herein are for temporary possession and the issue of final ownership of any item may be subject to review by a Court of competent jurisdiction.
   b. Items to be removed:
      (1) ☐ Necessary Personal Property, which means clothing, toiletries, prescribed medication, medical records, medical insurance card, driver’s license or State identification cards;
      (2) ☐ List of items to be removed:
          ☐ See Attachment
7. RESTRAINED PERSON (Insert name of subject):

Sex: □ M □ F  Ht: _______  Hair color: _______  Eye color: _______  Race: _______  Age: _____  Date of Birth: ________________________

8. TO THE RESTRAINED PERSON (Also see important Warnings and Information on Page 2):

YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms or ammunition, you MUST IMMEDIATELY SURRENDER THEM IN A SAFE MANNER TO LAW ENFORCEMENT ON REQUEST. If a request has been made, you must surrender all firearms and ammunition in a safe manner to your local law enforcement agency or sell them to or store them with a licensed gun dealer within 24 hours of being served with this order. You must then file a receipt proving surrender, sale, or storage with the Court listed below within 48 hours, or if the court is closed, then on the next business day after the firearms are surrendered or sold. FAILURE TO TIMELY FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER. (Name and address of court):

9. THIS ORDER WILL EXPIRE ON: _____________________________  TIME: __________________

10. Reasonable grounds for the issuance of this Order exist, and a Firearms Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

11. To the Restrained Person: This order will last until the expiration date and time noted above. You are required to surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. However a more permanent gun violence restraining order may be obtained from the court. You may seek advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

Judicial Officer (name):

granted this Order on (date):  at (time):

APPLICATION

6. Officer has a reasonable cause to believe that the grounds set forth in Item 4, above exist. (State supporting facts and dates; specify weapons—number, type and location):

_________________________________________________________

7. □ Firearms were: □ observed □ reported □ searched for □ seized

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By:  __________________________________________

(signature of law enforcement officer)

Agency:  Telephone No.:  Badge No.:  

PROOF OF SERVICE

8. Person served (name):

9. I personally delivered copies of this Order to the person served as follows: Date: __________________  Time: ______________  Address:

10. At the time of service, I was at least 18 years of age. □ I am a California law enforcement officer.

11. My name, address, and telephone number are (this does not have to be server’s home telephone number or address):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: ______________  _______________________________

(type or print name of server)  (signature of server)
TO THE RESTRAINED PERSON: You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition. (Pen. Code § 18125 et seq.) A violation of this Order is a misdemeanor punishable by a $1,000 fine or imprisonment for six months or both. (Pen. Code §§ 19, 18205.)

Within 24 hours of receipt of this order, you must turn in your firearms to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or the next court business day if the 48 hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for this purpose.

This Firearms Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front.

A law enforcement officer or agency or a family member may seek a more permanent restraining order from the court. However, you can seek to terminate this order or any more permanent order before expiration by filing a request with the court listed on the front.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code § 18205.)

This protective order must be enforced by all law enforcement officers in the State of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

To law enforcement: The Firearms Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. A copy must be filed with the court as soon as practicable after issuance. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this Temporary Firearms Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.
SANTA CLARA COUNTY
PROTOCOL FOR RELINQUISHMENT OF FIREARMS AND
AMMUNITION PURSUANT TO PROTECTIVE/RESTRAINING
ORDERS

Authority

California and federal laws require that individuals who are the subject of civil restraining orders or criminal protective orders may not own or possess firearms or ammunition for the duration of the orders. Cal. Family Code § 6389(a), Cal. Code of Civil Procedure §§ 527.6, 527.8, Cal. Penal Code §136.2.

A restrained person has two options for surrendering his or her firearms and/or ammunition:

1. The restrained person may surrender his/her firearms and/or ammunition in a safe manner to their local law enforcement agency immediately upon request of any law enforcement officer to the control of the officer after being served with the restraining or protective order. If no request is made, the restrained person may surrender his/her firearms and/or ammunition in a safe manner within 24 hours of being served with the restraining/protective order. Cal. Family Code §6389(c)(2).

2. The restrained person may sell his/her firearms and/or ammunition to a federally licensed gun dealer who is listed with the California Department of Justice Firearm Dealer’s Centralized list.

The law enforcement agency or federally licensed gun dealer must issue a receipt to the restrained person. This can be done on the Judicial Council form DV-800, which is available online at www.courtinfo.ca.gov under forms for domestic violence. The receipt must be filed with the Court within 48 hours of the person being served with the restraining or protective order. Cal. Family Code § 6389 (b)(2).

Firearms Relinquishment Procedure:

1. The Court will require that each restrained person subject to a civil restraining order or criminal protective order be served with Instructions for Safely Taking a Firearm and/or Ammunition to Law Enforcement and a list of Frequently Asked Questions concerning Firearm Relinquishment.

2. In the event that a restrained person elects to turn in his/her firearms and/or ammunition to law enforcement, the Receiving Agency will be
the law enforcement agency requesting the relinquishment of the firearms and/or ammunition immediately upon service of the restraining or protective order. In the absence of a request for immediate surrender of firearms and/or ammunition, the Receiving Agency will be the local police department where the person resides or the Santa Clara County Sheriff’s Office for those areas where there is no applicable local police department. The restrained person must follow the Instructions for Safely Taking a Firearm and/or Ammunition to a Law Enforcement Agency.

3. The Receiving Agency will schedule an appointment or appointments for the surrender of the firearms and/or ammunition as soon as possible within the 24 hour period from the service of the court order for relinquishment of the firearms and/or ammunition. The agency may require separate appointments for the relinquishment of firearms and ammunition.

4. The firearms and/or ammunition must be transported from the restrained person’s residence or other location of the firearms and/or ammunition to the law enforcement facility in a safe and lawful manner. The firearms must be unloaded.

5. If possible, the restrained person shall supply the Receiving Agency with a copy of the restraining or protective order, which shall be kept by the agency. Failure of a party to produce a copy of the court order shall not be grounds for refusing to allow the surrender of the firearms and/or ammunition within the time required by law.

6. Law enforcement agencies may request a copy of the applicable restraining or protective order from the Santa Clara County Superior Court in the event that a party is not able to produce it. This shall not be grounds for delaying the relinquishment of the firearms and/or ammunition or the issuance of the receipt.

7. The department evidence custodian or other applicable staff person will complete an Evidence/Property Receipt form and/or Judicial Council form DV-800 listing each firearm, its serial number, make and model, and noting any outstanding characteristics in the firearm’s condition, such as cracked stock, missing parts, or rust, for example. A copy of the Evidence/Property Receipt and/or form DV-800 will be given to the restrained party at the time that the firearms and/or ammunition are relinquished. The department will maintain a copy of the Receipt and/or DV-800 in its records for the duration of the time that the firearms and/or ammunition are retained by the agency.
8. In the event that any of the firearms are antiques or collector’s items, the restrained person may provide written special storage requests to the Receiving Agency. The Receiving Agency does not guarantee to the restrained person that it will or may follow the special instructions.

9. The Receiving Agency may charge fees for storing the firearms and/or ammunition and shall provide written notice to the restrained person of such fees.

10. The Receiving Agency may elect not to store the firearms and/or ammunition for the full duration of the restraining or protective order. At the time that the firearms and/or ammunition are relinquished, the Agency shall provide written notice to the Restrained Party of how long they will store the firearms and/or ammunition. In the event that this should change, the Agency shall provide the restrained person with at least 30 days written notice of their intention to destroy or dispose of the firearms and/or ammunition.

11. The restrained person shall have the ability to sell the stored firearms only under the following conditions:

   a) The owner will be allowed only one sale from storage, which must include all firearms.
   b) The sale must be to a federally licensed firearms dealer.
   c) The restrained person must provide the department with a bill of sale indicating that all firearms owned by that person and in possession of the local law enforcement agency have been sold by the restrained person to the licensed firearms dealer, then the licensed firearms dealer shall be given possession of those firearms.

12. A restrained person may also relinquish unloaded firearms and/or ammunition to law enforcement for the purpose of destruction of the firearms and/or ammunition. The restrained person must follow the Instructions for Safely Taking a Firearm and/or Ammunition to a Law Enforcement Agency. The Law Enforcement Agency may use an Evidence/Property Receipt form or Judicial Council form DV-800 with an attached instruction sheet which must be signed by the restrained person stating that the firearms and/or ammunition are to be destroyed.
DV-200 Proof of Personal Service

1 Name of Party Asking for Protection:

2 Name of Party to Be Restrained:

3 Notice to Server
The server must:
- Be 18 years of age or older.
- Not be listed in items 1 or 2 of form DV-100, Request for Domestic Violence Restraining Order.
- Give a copy of all documents checked in 4 to the restrained party in 2 (you cannot send them by mail). Then complete and sign this form, and give or mail it to the party in 1.

4 I gave the party in 2 a copy of all the documents checked:
   a. □ DV-109 with DV-100 and a blank DV-120 (Notice of Court Hearing; Request for Domestic Violence Restraining Order; blank Response to Request for Domestic Violence Restraining Order)
   b. □ DV-110 (Temporary Restraining Order)
   c. □ DV-105 and DV-140 (Request for Child Custody and Visitation Orders, Child Custody and Visitation Order)
   d. □ FL-150 with a blank FL-150 (Income and Expense Declaration)
   e. □ FL-155 with a blank FL-155 (Financial Statement (Simplified))
   f. □ DV-115 (Request to Continue Hearing)
   g. □ DV-116 (Order on Request to Continue Hearing)
   h. □ DV-130 (Restraining Order After Hearing)
   i. □ Other (specify):

5 I personally gave copies of the documents checked above to the party in 2 on:
   a. Date: ________________  b. Time: ________________  □ a.m.  □ p.m.
   c. At this address: ____________________________________________________________
      City: __________________ State: ________ Zip: __________

6 Server’s Information
Name: ________________________________________________________________
Address: ______________________________________________________________
City: __________________ State: ________ Zip: __________
Telephone: __________________
(If you are a registered process server):
County of registration: __________________ Registration number: __________________

7 I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: __________________

Type or print server’s name __________________ Server to sign here

Revised July 1, 2019, Optional Form
Family Code, §§ 243, 245, and 6345

Proof of Personal Service (CLETS) (Domestic Violence Prevention)
FINDINGS RE NONCOMPLIANCE WITH ORDER TO RELINQUISH GUNS, FIREARMS OR AMMUNITION

1. The above matter came before the Court on ______________ in Department _______ of the Superior Court, the Honorable ________________________, presiding.

2. The Court makes the following findings by a preponderance of the evidence:
   a. ☐ The Restrained Person received proper notice of the hearing.
   b. ☐ The Restrained Person ☐ appeared ☐ did not appear for the hearing.
   c. ☐ The Court issued a restraining order against the Restrained Person on (date) ___________, which prohibits possession and requires the relinquishment of guns, firearms or ammunition, by surrender to Law Enforcement, or sale to or storage with a licensed gun dealer, as required by law.
   d. ☐ The Restrained Person owns or has access to guns, firearms or ammunition.
   e. ☐ The Restrained Person has failed to offer satisfactory proof that he or she has relinquished the guns, firearms or ammunition as required by law.

3. The Protected Person should give this form to the law enforcement agency where he or she lives, along with a copy of the restraining order, to request help to enforce the order to relinquish guns or other firearms or ammunition.

Date: _____________________________

Judicial Officer

Instructions to Protected Person
You may call the non-emergency telephone number for the law enforcement agency where you live to request help in enforcing the order to relinquish the gun, firearms or ammunition. See list of agencies on Attachment FM-1124A.
If you have been a victim of strangulation, confidential support services are available to you. The following organizations provide a comprehensive range of free and confidential services.

MAITRI
Helpline 1-888-8MAITRI or 1-888-662-4674
mairi@mairi.org
www.matri.org
www.facebook.com/maitribayarea
Languages: English and South Asian languages

NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE
24-Hour Hotline (408) 279-2662
www.nextdoor.org
www.facebook.com/NextDoorSolutions
Languages: English, Spanish, and Vietnamese

Community Solutions
24-Hour Hotline 1-877-363-7238
or 1-877-END-SADV
www.communitysolutions.org
www.facebook.com/CommunitySolutions
Services provided in Morgan Hill, San Martin and Gilroy
Languages: English and Spanish

AACI Asian Women’s Home
24-Hour Hotline 408-975-2739
www.dv.aaci.org
www.facebook.com/AACIorg
Languages: English, Vietnamese, Chinese and other Asian languages

YWCA SILICON VALLEY
24-Hour Hotline 1-800-572-2782
www.ywca-sv.org
www.facebook.com/ywcasv
Languages: English and Spanish

SAFECHAT
Visit www.safechatsv.com for a secure, one-on-one live online chat with a confidential advocate

COUNTY OF SANTA CLARA
STRANGULATION RESOURCE CARD
Information for Victims of Strangulation

Facts About Strangulation

- Strangulation is an extremely dangerous and potentially deadly form of violence. It can take less than 20 seconds for a person to lose consciousness as a result of strangulation, and death can occur in just under 5 minutes.
- You may not experience any visible injuries, and symptoms of internal injuries may take up to 72 hours to appear.
- Internal injuries can be severe or fatal and may cause brain damage due to lack of oxygen. Symptoms can take hours, days or even weeks to develop.
- Seek immediate medical attention or call 911 if you experience difficulty breathing, speaking, swallowing or experience nausea, vomiting, lightheadedness, headache, involuntary urination and/or defecation, especially if you are pregnant.
- A medical evaluation may be crucial in detecting internal injuries and saving your life, and the life of your unborn child if you are pregnant.

- Stay with someone you trust for the first 24 hours and have them monitor your signs and symptoms.
- Strangulation is a significant predictor for future lethal violence in intimate relationships. If your current or former partner has strangled you, your risk of being killed by them is 7 times higher.
- Screening and counseling for domestic violence are covered under the Affordable Care Act as preventive health care.
- The cost of your medical care may be covered by your state’s victim compensation fund. For more information about this resource call (408) 295-2656 or email victimservices@dao.sccgov.org.
- Strangulation may not only be a felony assault, but it may be an attempted homicide.

You always have the right to file a police report, press charges for an assault or seek a restraining order against someone who is choosing to be abusive towards you.

See your doctor as soon as you can, especially if you have:

- a sore throat, hoarseness, difficulty breathing or swallowing
- discoloration on your tongue
- neck pain, bruising on the neck or behind your ears
- ringing in your ears
- bloodshot eyes
- dizziness
- memory loss
- drooling
- nausea or vomiting
- incontinence
- a seizure
- a miscarriage
- changes in mood or personality like agitation or aggression
- changes in sleep patterns
- changes in vision such as blurriness or seeing double
- fainted or lost consciousness
- Shaking (especially of the legs when trying to maintain balance)
- Headaches
Santa Clara County AED Use Notification Form.pdf
PUBLIC ACCESS DEFIBRILLATION (PAD)

AED USE NOTIFICATION

Directions:
- Please use one form for each AED usage
- Submit to the Santa Clara County EMS Agency within 96 hours of AED use

AED Program Name: ____________________________________________________________

Location Information:
Date: ___________________________ Time of Incident _________________________________
Street Address: ________________________________________________________________
Patient’s Name (if known): _______________________________________________________
Patient’s Estimated Age: ________________________ Patient’s Sex: ______________________

CPR Information:
Was CPR performed? : □ Yes □ No
Type of CPR performed: □ Compressions Only □ Compressions and Ventilations
Type of ventilations performed: □ Mouth to Mouth □ Mouth to Mask □ BVM
Name of person(s) providing CPR: ________________________________________________
Was the AED instruct you to defibrillate (shock) the patient? : □ Yes □ No

What was the total number of defibrillations (shocks) delivered? : _____________________

Timeline:

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Witnessed cardiac arrest</td>
<td></td>
</tr>
<tr>
<td>Start of CPR</td>
<td></td>
</tr>
<tr>
<td>Call to 9-1-1 made</td>
<td></td>
</tr>
<tr>
<td>First Defibrillation given</td>
<td></td>
</tr>
<tr>
<td>9-1-1 Arrival to scene</td>
<td></td>
</tr>
</tbody>
</table>

PAD Program Coordinator

Signature: ___________________________ Date: ____________________
# INDEX / TOPICS

## A

<table>
<thead>
<tr>
<th>ABBREVIATIONS</th>
<th>13</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACCOUNTABILITY TO WATCH</td>
<td>22</td>
</tr>
<tr>
<td>COMMANDER</td>
<td>17</td>
</tr>
<tr>
<td>ACKNOWLEDGEMENTS</td>
<td>18</td>
</tr>
<tr>
<td>ADMINISTRATIVE INVESTIGATION</td>
<td>83</td>
</tr>
<tr>
<td>ADMINISTRATIVE INVESTIGATIONS</td>
<td>83, 83, 83</td>
</tr>
<tr>
<td>ADMINISTRATIVE LEAVE</td>
<td>441</td>
</tr>
<tr>
<td>AIRCRAFT</td>
<td>282</td>
</tr>
<tr>
<td>Accidents</td>
<td>329</td>
</tr>
<tr>
<td>Ambulance</td>
<td>423</td>
</tr>
<tr>
<td>ALCOHOL</td>
<td>423</td>
</tr>
<tr>
<td>ALCOHOL INTOXICANTS</td>
<td>200</td>
</tr>
<tr>
<td>ALCOHOL USE</td>
<td>423</td>
</tr>
<tr>
<td>AMMUNITION</td>
<td>246</td>
</tr>
<tr>
<td>Gun violence restraining order surrenders</td>
<td>225</td>
</tr>
<tr>
<td>ANTI-REPRODUCTIVE RIGHTS CRIMES</td>
<td>225</td>
</tr>
<tr>
<td>APPOINTMENTS</td>
<td>300</td>
</tr>
<tr>
<td>Coordinator - portable audio/video recorders</td>
<td>363</td>
</tr>
<tr>
<td>Operations director</td>
<td>212</td>
</tr>
<tr>
<td>PIO</td>
<td>212</td>
</tr>
<tr>
<td>ARREST OF PUBLIC SCHOOL TEACHER</td>
<td>227</td>
</tr>
<tr>
<td>ARRESTS</td>
<td>322, 325</td>
</tr>
<tr>
<td>First amendment assemblies</td>
<td>213</td>
</tr>
<tr>
<td>Log</td>
<td>447</td>
</tr>
<tr>
<td>Seat belts</td>
<td>296</td>
</tr>
<tr>
<td>AUDIO/VIDEO RECORDING</td>
<td>296</td>
</tr>
<tr>
<td>Body-worn cameras</td>
<td>330</td>
</tr>
<tr>
<td>AUDITS</td>
<td>232</td>
</tr>
<tr>
<td>Public safety video surveillance</td>
<td>9</td>
</tr>
<tr>
<td>AUTHORITY</td>
<td>13</td>
</tr>
<tr>
<td>Policy manual</td>
<td>196</td>
</tr>
<tr>
<td>AUTHORITY, ETHICS</td>
<td>196</td>
</tr>
<tr>
<td>AUTOMATED EXTERNAL DEFIBRILLATORS (AED)</td>
<td>330</td>
</tr>
</tbody>
</table>

## B

| BADGE | 471 |
|       |    |
| Mourning Badge |    |

## C

| CANINES | 304 |
|         | 10 |
| CHIEF EXECUTIVE | 156 |
| CHILD ABUSE | 448 |
| CHILDREN | 85 |
| CIVIL | 216 |
| Liability response | 315 |
| Subpoenas | 16 |
| CIVILIAN/NONSWORN | 114 |
| Crisis intervention incidents | 21 |
| CIVILIAN/NON-SWORN | 18 |
| CODE-3 | 256 |
| Crisis intervention incidents | 307 |
| COMMUNICATIONS CENTER | 314 |
| Foot pursuits | 353 |
| COMPUTERS | 194 |
| Digital evidence | 198 |
| CONDUCT | 299 |
| Standards of conduct | 9 |
| CONFIDENTIALITY | 60 |
| Surrupitious recording | 60 |
| CONSTITUTIONAL REQUIREMENTS | 323 |
| CONTROL DEVICES | 276 |
| First amendment assemblies | 31 |
| Training | 215 |
| CONTROL DEVICES | 246 |
| First amendment assemblies | 215 |
| Subpoenas | 299 |
| Surrupitious recording | 255 |
### West Valley Mission CC District PD Policy Manual

<table>
<thead>
<tr>
<th>Section Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>M</td>
<td></td>
</tr>
<tr>
<td>MANDATORY APPEARANCE</td>
<td>215</td>
</tr>
<tr>
<td>MANUALS</td>
<td>25</td>
</tr>
<tr>
<td>MEAL PERIODS AND BREAKS</td>
<td>464</td>
</tr>
<tr>
<td>MEDIA</td>
<td>212</td>
</tr>
<tr>
<td>Aircraft accidents</td>
<td>284</td>
</tr>
<tr>
<td>MEDICAL</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents</td>
<td>282</td>
</tr>
<tr>
<td>Releases</td>
<td>329</td>
</tr>
<tr>
<td>MEMORANDUMS</td>
<td>31</td>
</tr>
<tr>
<td>MENTAL ILLNESS</td>
<td></td>
</tr>
<tr>
<td>Restraints</td>
<td>260</td>
</tr>
<tr>
<td>MINIMUM STAFFING</td>
<td>32</td>
</tr>
<tr>
<td>N</td>
<td></td>
</tr>
<tr>
<td>NON-DEADLY FORCE</td>
<td>40</td>
</tr>
<tr>
<td>NOTIFICATIONS</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents</td>
<td>283</td>
</tr>
<tr>
<td>Impaired driving</td>
<td>343</td>
</tr>
<tr>
<td>O</td>
<td></td>
</tr>
<tr>
<td>OATH OF OFFICE</td>
<td>11</td>
</tr>
<tr>
<td>OC SPRAY</td>
<td>61</td>
</tr>
<tr>
<td>OFFICER SAFETY</td>
<td></td>
</tr>
<tr>
<td>Crime scene and disaster integrity</td>
<td>255</td>
</tr>
<tr>
<td>Foot pursuits</td>
<td>304</td>
</tr>
<tr>
<td>LEOSA</td>
<td>33</td>
</tr>
<tr>
<td>OPERATIONS PLANNING AND</td>
<td></td>
</tr>
<tr>
<td>DECONFLICTION</td>
<td>363</td>
</tr>
<tr>
<td>ORGANIZATIONAL STRUCTURE</td>
<td>21</td>
</tr>
<tr>
<td>OVERTIME</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>217</td>
</tr>
<tr>
<td>P</td>
<td></td>
</tr>
<tr>
<td>PAT-DOWN SEARCH</td>
<td>290</td>
</tr>
<tr>
<td>PATROL FUNCTION</td>
<td>248</td>
</tr>
<tr>
<td>PEACE OFFICER POWERS</td>
<td>9</td>
</tr>
<tr>
<td>PEPPER PROJECTILES</td>
<td>62</td>
</tr>
<tr>
<td>PEPPER SPRAY</td>
<td>61</td>
</tr>
<tr>
<td>PERSONAL APPEARANCE</td>
<td>466</td>
</tr>
<tr>
<td>PERSONAL PROPERTY</td>
<td>374</td>
</tr>
<tr>
<td>Loss Or Damage</td>
<td>375</td>
</tr>
<tr>
<td>PERSONNEL RECORDS</td>
<td>398</td>
</tr>
<tr>
<td>PHOTOSHAPS</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents</td>
<td>284</td>
</tr>
<tr>
<td>PHOTO LINEUP</td>
<td>349</td>
</tr>
<tr>
<td>PIO</td>
<td>212</td>
</tr>
<tr>
<td>POLICY MANUAL</td>
<td>12</td>
</tr>
<tr>
<td>POLITICAL ACTIVITY</td>
<td>481</td>
</tr>
<tr>
<td>POLITICAL ENDORSEMENTS</td>
<td>481</td>
</tr>
<tr>
<td>PRESS INFORMATION OFFICER</td>
<td>212</td>
</tr>
<tr>
<td>PRIVACY EXPECTATION</td>
<td>481</td>
</tr>
<tr>
<td>PRIVACY EXPECTATIONS</td>
<td></td>
</tr>
<tr>
<td>Audio/video recordings</td>
<td>296</td>
</tr>
<tr>
<td>PRIVACY EXPECTATIONS, TECHNOLOGY</td>
<td></td>
</tr>
<tr>
<td>USE</td>
<td>201</td>
</tr>
<tr>
<td>PRIVATE PERSONS ARRESTS</td>
<td>223</td>
</tr>
<tr>
<td>PROHIBITED SPEECH</td>
<td>479</td>
</tr>
<tr>
<td>PROPERTY PROCEDURES</td>
<td></td>
</tr>
<tr>
<td>Property Handling</td>
<td>384</td>
</tr>
<tr>
<td>PUBLIC RECORDING OF LAW</td>
<td>317</td>
</tr>
<tr>
<td>ENFORCEMENT ACTIVITY</td>
<td></td>
</tr>
<tr>
<td>PUBLIC SAFETY VIDEO SURVEILLANCE</td>
<td>229</td>
</tr>
<tr>
<td>PURSUITS</td>
<td></td>
</tr>
<tr>
<td>Foot</td>
<td>304</td>
</tr>
<tr>
<td>R</td>
<td></td>
</tr>
<tr>
<td>RAPID RESPONSE AND DEPLOYMENT</td>
<td>274</td>
</tr>
<tr>
<td>REASONABLE SUSPICION</td>
<td>290</td>
</tr>
<tr>
<td>RECORDS BUREAU</td>
<td></td>
</tr>
<tr>
<td>Administrative hearings</td>
<td>347</td>
</tr>
<tr>
<td>Impaired driving</td>
<td>347</td>
</tr>
<tr>
<td>RECORDS RELEASE</td>
<td></td>
</tr>
<tr>
<td>Audio/video recordings</td>
<td>303</td>
</tr>
<tr>
<td>Child deaths</td>
<td>163</td>
</tr>
<tr>
<td>Public safety video surveillance</td>
<td>232</td>
</tr>
<tr>
<td>RECORDS RETENTION</td>
<td></td>
</tr>
<tr>
<td>Oath of office</td>
<td>11</td>
</tr>
<tr>
<td>RELEASE OF RECORDS &amp; INFORMATION</td>
<td></td>
</tr>
<tr>
<td>Personnel Records</td>
<td>398</td>
</tr>
<tr>
<td>REPORT CORRECTIONS</td>
<td>208</td>
</tr>
<tr>
<td>REPORT PREPARATION</td>
<td>205</td>
</tr>
<tr>
<td>RESPONSE TO CALLS</td>
<td>114</td>
</tr>
<tr>
<td>RESTRAINTS</td>
<td>260</td>
</tr>
<tr>
<td>REVIEWS</td>
<td></td>
</tr>
<tr>
<td>Crisis intervention incidents</td>
<td>316</td>
</tr>
<tr>
<td>Policy manual</td>
<td>17</td>
</tr>
<tr>
<td>RIDE-ALONG</td>
<td>257</td>
</tr>
<tr>
<td>Eligibility</td>
<td>257</td>
</tr>
<tr>
<td>RISK ASSESSMENT</td>
<td>363</td>
</tr>
<tr>
<td>S</td>
<td></td>
</tr>
<tr>
<td>SAFETY</td>
<td></td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>First responder.</td>
<td>255</td>
</tr>
<tr>
<td>Media.</td>
<td>212</td>
</tr>
<tr>
<td>Shotguns.</td>
<td>90</td>
</tr>
<tr>
<td>SAFETY EQUIPMENT</td>
<td></td>
</tr>
<tr>
<td>First amendment assemblies.</td>
<td>322</td>
</tr>
<tr>
<td>SCHOOL EMPLOYEE REPORTING.</td>
<td>227</td>
</tr>
<tr>
<td>SEARCH &amp; SEIZURE.</td>
<td>132</td>
</tr>
<tr>
<td>SEARCHES</td>
<td></td>
</tr>
<tr>
<td>Crime scene.</td>
<td>255</td>
</tr>
<tr>
<td>Gun violence restraining orders.</td>
<td>245</td>
</tr>
<tr>
<td>SEAT BELTS.</td>
<td>447</td>
</tr>
<tr>
<td>SHOOTING POLICY.</td>
<td>52</td>
</tr>
<tr>
<td>SMOKING AND TOBACCO USE.</td>
<td>431</td>
</tr>
<tr>
<td>SOCIAL NETWORKING.</td>
<td>479</td>
</tr>
<tr>
<td>STAFF.</td>
<td>12</td>
</tr>
<tr>
<td>STAFFING LEVELS.</td>
<td>32</td>
</tr>
<tr>
<td>STANDARDS OF CONDUCT.</td>
<td>194</td>
</tr>
<tr>
<td>STANDBY.</td>
<td>215</td>
</tr>
<tr>
<td>SUBPOENAS.</td>
<td>215</td>
</tr>
<tr>
<td>SUBPOENAS.</td>
<td>215</td>
</tr>
<tr>
<td>SUCCESSION OF COMMAND.</td>
<td>21</td>
</tr>
<tr>
<td>SUPERVISION DEPLOYMENTS.</td>
<td>32</td>
</tr>
<tr>
<td>TASER.</td>
<td>65</td>
</tr>
<tr>
<td>TATTOOS.</td>
<td>467</td>
</tr>
<tr>
<td>TEAR GAS.</td>
<td>61</td>
</tr>
<tr>
<td>TRAINING</td>
<td></td>
</tr>
<tr>
<td>AED.</td>
<td>331</td>
</tr>
<tr>
<td>Epinephrine auto-injector.</td>
<td>332</td>
</tr>
<tr>
<td>Impaired driving.</td>
<td>347</td>
</tr>
<tr>
<td>Operation planning and deconfliction.</td>
<td>367</td>
</tr>
<tr>
<td>Opioid medication.</td>
<td>331</td>
</tr>
<tr>
<td>Public safety video surveillance.</td>
<td>232</td>
</tr>
<tr>
<td>Rapid response and deployment.</td>
<td>276</td>
</tr>
<tr>
<td>TRAINING PLAN.</td>
<td>26</td>
</tr>
<tr>
<td>TRAINING POLICY.</td>
<td>26</td>
</tr>
<tr>
<td>UNIFORM REGULATIONS.</td>
<td>468</td>
</tr>
<tr>
<td>UNIFORMS</td>
<td></td>
</tr>
<tr>
<td>Courtroom attire.</td>
<td>217</td>
</tr>
<tr>
<td>UNITY OF COMMAND.</td>
<td>22</td>
</tr>
<tr>
<td>USE OF FORCE</td>
<td></td>
</tr>
<tr>
<td>First amendment assemblies.</td>
<td>323</td>
</tr>
<tr>
<td>VEHICLE MAINTENANCE.</td>
<td>376</td>
</tr>
<tr>
<td>WARNING SHOTS.</td>
<td>53</td>
</tr>
<tr>
<td>WASHING OF VEHICLES.</td>
<td>379</td>
</tr>
<tr>
<td>WEAPON DISCHARGE.</td>
<td>53</td>
</tr>
</tbody>
</table>