CHIEF'S PREFACE

Chula Vista Police Department

Policy Manual

CHIEF'S PREFACE

The Chula Vista Police Department Policy and Procedure Manual has been revised and reformatted as of January 29, 2019. The manual provides information to all employees regarding not only the mission and values of the organization, but also addresses protocols, conduct acceptable practices and methods of operation.

The manual is designed to facilitate the usage of significant amounts of information that all employees deal with regarding our statutory authority. It also outlines acceptable practices in specific areas which not only comport with the law, but also are consistent with the organizational culture of our agency.

A thorough knowledge of the information contained in this manual coupled with compliance while performing your job functions should result in superior performance and service to our community. A positive personal attitude together with the philosophies outlined in this manual will ensure that the mission and values of the department are achieved.

Roxana Kennedy, Chief of Police

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MISSION STATEMENT

The Chula Vista Police Department, in partnership with the Community, is dedicated to providing community policing, with the highest level of professionalism and transparency. Chula Vista Police Department Employees will provide fair, courteous, and compassionate service to enhance the quality of life in Chula Vista.

Values

Leadership - Respect - Integrity - Accountability

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Code of Ethics

100.1 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.

100.2 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).

100.3 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.

100.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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Law Enforcement Authority

101.1 PURPOSE AND SCOPE

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

101.2 PEACE OFFICER POWERS

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

101.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CHULA VISTA POLICE DEPARTMENT

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

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

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

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

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

(e) In compliance with an arrest warrant.

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

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

101.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE CHULA VISTA POLICE DEPARTMENT

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

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

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

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

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

(e) In compliance with an arrest warrant.

101.2.3 TIME OF MISDEMEANOR ARRESTS

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

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

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

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

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

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

101.2.4 OREGON AUTHORITY

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

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Chula Vista Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

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

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101.3 POLICY

It is the policy of the Chula Vista Police Department to limit its members to only exercise the authority granted to them by law.

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

101.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

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

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

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

101.5 CONSTITUTIONAL REQUIREMENTS

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

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Chief Executive Officer

103.1 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.

103.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

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Oath of Office

105.1 PURPOSE AND SCOPE

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

105.2 POLICY

It is the policy of the Chula Vista 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.

105.3 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.”

105.4 MAINTENANCE OF RECORDS

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

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Policy Manual

107.1 PURPOSE AND SCOPE

The manual of the Chula Vista 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.

107.2 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.

107.2.1 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 Chula Vista Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Chula Vista Police Department reserves the right to revise any policy content, in whole or in part.

107.3 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.

107.4 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).

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CHP- The California Highway Patrol.

CFR - Code of Federal Regulations.

City - The City of Chula Vista.

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

Department/CVPD - The Chula Vista Police Department.

DMV - The Department of Motor Vehicles.

Employee - Any person employed by the Department.

Juvenile- Any person under the age of 18 years.

Manual - The Chula Vista Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the Chula Vista Police Department, including:

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

Officer - Those employees, regardless of rank, who are sworn peace officers of the Chula Vista 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.

Reasonable - The term reasonable, along with its various derivatives, refers to the objective reasonableness standard as defined by case law. In simple terms, an action's reasonableness should be judged from the perspective of a reasonable employee confronting the same set of known facts and circumstances.

Shall or will - Indicates a mandatory action.

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

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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.

107.4.1 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 under the title Recent Policy Manual Revisions. The Professional Standards Unit will forward revisions to the Policy Manual as needed to all personnel via electronic mail, and will forward hard-copy revisions as needed.

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

107.5 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.

107.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Professional Standards Unit will ensure that the Policy Manual is periodically reviewed and updated as necessary.

107.7 REVISIONS TO POLICIES

All revisions to the Policy Manual will be provided to each member (annually or biannually) for acknowledgement before the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions within 30 days and shall seek clarification from an appropriate supervisor as needed.

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

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Policy Manual

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.

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Chapter 2 - Organization and Administration

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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 Chula Vista Police Department. There are four divisions in the Police Department as follows:

- Support Operations Division
- Patrol Operations Division
- Investigations Division
- Administrative Services Division

200.2.1 SUPPORT OPERATIONS DIVISION

The Support Operations Division commanded by a Captain whose primary responsibility is to provide general management direction and control for the Support Operations Division. For a complete list of the scope and responsibilities of the Support Operations Division refer to the Department Organizational Chart, which may be obtained from the Administrative Services Division.

200.2.2 PATROL OPERATIONS DIVISION

The Patrol Operations Division commanded by a Captain whose primary responsibility is to provide general management direction and control for the Patrol Operations Division. For a complete list of the scope and responsibilities of the Patrol Operations Division refer to the Department Organizational Chart, which may be obtained from the Administrative Services Division.

200.2.3 INVESTIGATIONS DIVISION

The Investigations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Investigations Division. For a complete list of the scope and responsibilities of the Investigations Division refer to the Department Organizational Chart, which may be obtained from the Administrative Services Division.

200.2.4 ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division is commanded by a civilian Administrative Services Manager whose primary responsibility is to provide general management direction and control for the Administrative Services Division. For a complete list of the scope and responsibilities of the Administrative Services Division refer to the Department Organizational Chart, which may be obtained from the Administrative Services Division.

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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 a Division Commander to serve as the acting Chief of Police.

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

a. Patrol Operations Division Commander

b. Investigations Division Commander

c. Support Operations Division Commander

d. Watch Commander

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

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

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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 all current Memorandum of Understandings 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 Command Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

All prior and existing Department Directives, Training Bulletins, General Orders, and other Departmental Policies which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first Departmental Directive for the year 2008.

204.2 RESPONSIBILITIES

204.2.1 STAFF

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

204.2.2 CHIEF OF POLICE

The Chief of Police, or the person otherwise designated by the Chief of Police, shall issue all Departmental Directives. Any Departmental Directive issued by a designate of the Chief of Police shall be interpreted as having the same scope, applicability and authority as that of the Chief of Police.

204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES

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

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Training Bulletin

205.1 PURPOSE AND SCOPE

Training Bulletins establish an interdepartmental communication that may be used by the Chief of Police to provide immediate training or guidelines relating to issues not otherwise specified in the Department Policy Manual. Training Bulletins shall not be interpreted to modify, change or supersede any section of this manual, but may be considered as supplemental training to sections of this manual to which they pertain.

205.1.1 TRAINING BULLETIN PROTOCOL

Although Training Bulletins may not modify existing policies, Training Bulletins may be incorporated into the manual as required upon approval of Command Staff. Training Bulletins incorporated into the manual will be rescinded upon their incorporation into the manual.

All prior and existing Department Directives, Training Bulletins, General Orders, and other Departmental Policies which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

Any Training Bulletin issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first Training Bulletin for the year 2008.

205.2 RESPONSIBILITIES

205.2.1 COMMAND STAFF

The command staff shall review and approve all Training Bulletins. The command staff shall review and approve revisions of the Policy Manual, which will incorporate topics originally addressed by a Training Bulletin.

205.2.2 PROFESSIONAL STANDARDS UNIT

The Professional Standards Unit shall issue and distribute all Training Bulletins.

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Emergency Management Plan

206.1 PURPOSE AND SCOPE

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

206.2 ACTIVATING THE EMERGENCY PLAN

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

206.2.1 RECALL OF PERSONNEL

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

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

206.3 LOCATION OF THE PLAN

The manual for the employees is available in Watch Commander's office. All supervisors should familiarize themselves with the Emergency Management Plan and what 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 Management Plan Manual at least once every two years to ensure that the manual conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS) and should appropriately address any needed revisions.

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Training Policy

208.1 PURPOSE AND SCOPE

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

208.2 PHILOSOPHY

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

208.3 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public

(b) Increase the technical expertise and overall effectiveness of our personnel

(c) Provide for continued professional development of department personnel

208.4 TRAINING PLAN

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

- Legislative Changes
- State Mandated Training
- Critical Issues Training

208.5 TRAINING NEEDS ASSESSMENT

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

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208.6 TRAINING COMMITTEE

The Training Manager 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 Manager 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 Manager 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 Manager. 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 Manager 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.

208.7 PROCEDURES FOR REQUESTING AND ATTENDING TRAINING

208.7.1 TRAINING REQUESTS

(a) All requests for training shall be submitted in writing on a department training request form. A training request form can be generated by either the employee, a supervisor, or the Professional Standards Unit. The training request form is available from the Professional Standard Unit. Copies of the form are also available as an electronic template on the Department's computer network. The training request form can be completed two ways:

1. The form can be completed on-screen and printed.

2. A blank form can be printed and completed legibly by hand.

(b) Each training request must include the following information:

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1. Specific course request including the name, sponsor, and location if known. Example: "Interview & Interrogation, Behavior Analysis Institute in Santa Rosa, CA" -OR- General course request such as Drug Recognition, radar certification, gang school, etc.
2. Specific dates, if known.
3. Justification for attending the course.
4. Method of transportation.
5. Any specific needs or requests.
6. All training requests must have a course flier attached. A screen print from a website is acceptable.

(c) Once a request is completed, the employee must:

1. Deliver the request packet to his/her direct supervisor for approval. The direct supervisor will then forward the packet to the direct manager for approval.
2. If required, obtain approval from the specialty assignment supervisor (SWAT, K-9, etc.).
3. Once all signatures are received, forward the completed packet to the Professional Standards Unit for Command Staff approval. **IT IS THE INDIVIDUAL EMPLOYEE'S RESPONSIBILITY TO ENSURE THE REQUEST HAS THE PROPER DOCUMENTATION AND SIGNATURES BEFORE THE PACKET IS SENT TO THE TRAINING UNIT. FAILURE TO DO SO WILL RESULT IN THE REQUEST BEING RETURNED WITHOUT PROCESSING.**

(d) Signed request packets should be turned in to the Professional Standards Unit no later than:

- Three weeks prior to course start date for an in-county request.
- Five weeks prior to course start date for an out-of-county request.

(e) These are the minimum time requirements for the Professional Standards Unit to ensure a request can be processed and arrangements made for the requested course. Turning a request in earlier is strongly recommended. Many courses have discounts for early registration, while others fill up quickly. The more time the Professional Standards Unit has, the more likely a request can be fulfilled. A request that is turned in with less than the required time will be processed, but the Professional Standards Unit may not have enough time to make all necessary arrangements (course may be full, per diem check may not be received from the Finance Department before start of course date, etc.) Within three business days of turning in a training request, the Professional Standards Unit will send an email acknowledging receipt of the packet.

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If an email is not received within this time frame, it is the employee's responsibility to contact the Professional Standards Unit to determine the status of the request.

(f) All training request packets, approved or denied, shall be returned to the Professional Standards Unit after being reviewed by the employee's chain of command.

1. Approved Requests: Training requests that have been approved will be processed by the Professional Standards Unit.
2. Disapproved Training Requests: Any supervisor in the employee's chain of command shall have the authority to deny a request for training. Disapproved requests will be forwarded to the Professional Standards Unit for record purposes.

(g) Once a request has the final approval/denial from Command Staff, a disposition notice will be sent via email to both the employee and the employee's direct supervisor.

208.7.2 TRAVEL ARRANGEMENTS

The Professional Standards Unit shall have the responsibility and authority to make all travel arrangements related to a department training assignment.

Any requests for special accommodations must be approved by the Professional Standards Unit in advance and shall not interfere with the course assignment or attendance.

Employees are prohibited from changing travel arrangements or reservations without prior authorization from the Professional Standards Unit.

Any special arrangements are to be made and paid for by the employee. Under no circumstances are additional costs to be charged to the department or any other public or government agency without prior approval from the Administrative Division Commander via the Professional Standards Unit. This includes arrangements for a non-employee traveling companion.

208.7.3 MEALS

Meals will be provided for any training that occurs outside of the San Diego County limits and is at least eight hours in duration unless the course provider serves meals.

Reimbursement for meals will be based on an eight hour day, from 0800 to 1700 hours and consideration will be given to the location of the course, travel time, etc.

208.7.4 LODGING

Usually the most expensive part of a training request is the associated lodging. It can account for more than all other expenses combined. Lodging will generally be provided for all training assignments that are more than one day in length and where travel distance would make it impractical to commute. In order to utilize the training budget as efficiently as possible, in most situations, two people will share hotel accommodations. There are obvious exceptions: one male and one female attending the same training; extended training (over one week in length and

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unable to travel home for the intervening weekend due to distance, etc.). Individual situations will be evaluated on a case-by-case basis.

208.7.5 TRANSPORTATION

The department will provide the most practical and economical mode of transportation for all training assignments. The mode of transportation shall be determined by the Professional Standards Unit considering the distance, cost, proximity to major airports, etc. All employees should be familiar with City Vehicle Use Policy 1002, which outlines use of personal, City or rental vehicles.

Unless specifically authorized, only department vehicles are to be driven to and from training. Requests for approval to use a personal vehicle must be made to the Professional Standards Unit Lieutenant prior to the start of training.

The Professional Standards Unit generally has vehicles and gas cards that can be checked out. Contact the Professional Standards Unit to make necessary reservations. Employees assigned a department vehicle, or who have access to a unit vehicle, may utilize it in lieu of a training vehicle.

If a department vehicle is not available and the employee uses his/her private vehicle then the employee will be compensated for mileage incurred driving to and from the training site. A mileage reimbursement form will be included in the confirmation packet. All mileage reimbursement will be at the current rate in accordance with city guidelines and the applicable MOU. Any loss or damage to the employee's vehicle shall be at the employee's expense.

If a department vehicle is available, but an employee is authorized to use his/her own vehicle due to personal preference, the employee will not receive mileage reimbursement. Any mileage reimbursement request that is turned in will be denied. Any loss or damage to the employee's vehicle shall be at the employee's expense.

For longer distances (generally more than six hours driving time), airfare will be authorized. Requests to drive on these trips must be submitted to the Professional Standards Unit for approval.

The department will not typically provide a rental car unless there are special circumstances. If a rental car is authorized, the employee shall purchase additional insurance coverage through the rental company as the City is self-insured. See City Vehicle Use Policy 1002.

208.7.6 NOTIFICATION OF TRAINING ARRANGEMENTS

Once all arrangements are made, the Professional Standards Unit will complete a packet to give to the employee. Each packet will include a confirmation memo detailing the location of the training and any meal, lodging, and/or transportation arrangements that have been made.

Depending on the course, some or all of the listed documents may be included in the completed packet

- Course paperwork.
- Travel arrangements, including flight and/or car rental details.

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- Hotel reservations and credit card authorization.
- POST Training Reimbursement Request to turn in to the course instructor.
- Per Diem check.
- Training Expense Form.
- Mileage Reimbursement Form.

In some instances, a packet may not be issued (in-house training, short notice, etc.) An email will be sent with the appropriate information.

Whenever possible, the Professional Standards Unit shall provide confirmation memo packet one week in advance of the course's start date. Packets will be placed in the employee's personal mailbox.

It is the employee's responsibility to obtain training information prior to the course. Employees are encouraged to check his/her mailbox and/or e-mail, or otherwise contact the Professional Standards Unit for training information.

208.7.7 COMPENSATION FOR TRAINING ASSIGNMENTS

It is the policy of the department to ensure that all employees receive fair compensation for any time spent at a training assignment and to comply with the mandates of the Fair Labor Standards Act.

Prior to approving a request for training, the employee's immediate supervisor shall review the request to determine the impact on unit staffing.

The supervisor will make adjustments to allow an employee to flex their work schedule in order to attend the course. Flex scheduling means to adjust the workday to work earlier or later, or on another day, to provide the eighty hours needed in the pay period. When training falls on an employee's day off, days will be adjusted to ensure that only 80 hours are worked during the given pay period. The employee will be compensated on a day for day basis and the time will be estimated as fairly as possible prior to attending the class.

The immediate supervisor shall be responsible for preparing and distributing a school schedule for the affected pay period(s).

If flex scheduling is not a viable option, the supervisor may authorize the employee to be compensated at an overtime rate for any time spent that exceeds their normal workday. If an employee attends a course that is held over two or more pay periods, then compensation will be paid for any time that exceeds eighty hours in each individual pay period.

If a request is generated for a class that is not mandatory or essential to the performance of the employee's duties and it would require overtime for the employee to attend, the request should be denied until it can be scheduled without requiring overtime.

Supervisors shall make every effort to allow employees to take those training compensation days on a day/date of his/her choice.

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Training days shall be given priority scheduling over most other types of time-off except for scheduled annual vacation. Normally, training days must be taken within the same pay period as the scheduled training takes place. Under certain circumstances it may not be feasible (i.e. extended training period, staffing shortage, etc.) In such cases, the training days should be taken as soon as possible.

The Professional Standards Lieutenant shall investigate and resolve any disagreements over training/compensation owed to an employee.

208.7.8 ATTENDANCE AND CONDUCT AT TRAINING ASSIGNMENTS

When scheduled to attend a school, department employees are required to attend the entire course unless dismissed by the instructor, the Professional Standards Unit, or their respective chain of command.

Employees that are on limited duty or are excused from active participation by a doctor shall be required to attend the entire course but will not participate in any activity that could result in further injury.

Department personnel attending schools, seminars or other training assignments are required to conduct themselves in a professional manner and be an active participant in the class. Personnel are expected to be punctual and prepared when attending training assignments.

Training assignments are considered to be an extension of the work place. Employees shall:

(a) **Conduct themselves in a professional manner at all times.**

(b) **Dress appropriately for the course.**

(c) **Follow all department policies and procedures.**

208.7.9 RESPONSIBILITIES UPON RETURNING FROM A TRAINING ASSIGNMENT

If a training vehicle was issued, keys and/or gas card must be returned to the Professional Standards Unit the first business day after returning from training. If scheduled for personal time off immediately following a training session, make arrangements to return the vehicle/gas card/ other assigned equipment prior to going on leave.

Complete (as appropriate) the Training Expense and Mileage Reimbursement forms.

The Finance Department requires all Training Expense and Mileage Reimbursement forms be submitted to them no later than ten calendar days from the last day of training. Therefore, no later than five 5) calendar days after returning from training, submit all completed forms with original receipts and original completion certificate/proof of attendance to the Professional Standards Unit for processing.

ALL RECEIPTS (HOTEL, GAS, PARKING, TOLLS, ETC.) MUST BE ORIGINALS. FINANCE WILL NOT ACCEPT COPIES OF ANY RECEIPTS!

Failure to submit paperwork in a timely manner will be referred to the appropriate supervisor.

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208.8 TRAINING PROCEDURES

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

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

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

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Document his/her absence in a memorandum to his/her supervisor.
3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

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Electronic Mail

212.1 PURPOSE AND SCOPE

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

212.2 EMAIL RIGHT OF PRIVACY

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

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

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

212.3 ACCEPTABLE USE OF EMAIL

(a) Electronic mail provided by the department may be used in accordance with the following guidelines:

- Communications with professional associations, governments, universities, businesses and/or individuals associated with the facilitation of department business, research and education efforts as authorized by the Chief of Police or his/her designee.
- The occasional use of social electronic mail (using the department's email system) via the Internet or personal use of the Internet's World Wide Web on the employees own time is permitted as long as it does not interfere with regular department or city business, is not excessive, and does not cause an adverse impact (e.g. congestion, viruses etc.) on the city's electronic networks.

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- Distribution of information to the general public whereby such information is made available under departmental guidelines and policies for the release of information, the Freedom of Information Act, and the California Records Act.

(b) Users of the City of Chula Vista's email will:

- Remember that electronic communications sent to or from the department travel on City of Chula Vista's electronic equipment and as such, are the same as if they were sent on department letterhead.
- Be aware that in the normal course of system operations an audit log is recorded and maintained of all messages and Internet sites sent to or received from all Internet users.
- Assume that all communications via email can be read by systems administrators or other parties.
- Take all required precautions against the importation of computer viruses.
- Make diligent efforts to conserve system resources by frequently deleting unused files and email messages.
- Use caution when opening email attachments (especially from senders you do not know) and be wary of multiple emails with the same subject from many different people.
- Refrain from downloading and/or installing ANY software program (including screensavers) directly from the Internet. The City provides an INTRANET site for software such as Adobe Acrobat and others. Users will contact a city microcomputer specialist if they require software other than what is provided on the INTRANET. The microcomputer specialist may then obtain the software and include it on the INTRANET site if appropriate.
- Use common sense at all times.

212.4 PROHIBITED USE OF EMAIL

(a) Employees are prohibited from using Department email for the following acts:

- To gain unlawful access to information or computer and communications resources
- Intentional introduction of, or experimentation with, malicious computer code such as computer viruses.

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- Illegal, fraudulent or malicious activity; political activity such as campaigning; religious promotion; or commercial activity on behalf of organizations or individuals who have no affiliation with the City.
- Transmission of material in violation of applicable copyright laws or patents.
- The sending of messages that are likely to result in the loss of the recipients' work or system and any other types of use which could cause congestion of the electronic network or otherwise interfere with the work of others. This includes, but is not limited to items such as transferring very large files or files which contain computer viruses.

(b) Employees using Department email are prohibited from:

- Taking actions that cause interference to the City's electronic network or the work of others. This includes, but is not limited to items such as listening to the radio via the Internet, transferring very large files or files which contain computer viruses.
- Downloading and/or installing ANY software program (including screensavers) directly from the Internet. The City provides an INTRANET site for software such as Adobe Acrobat and others. Users will contact a City microcomputer specialist if they require software other than what is provided on the INTRANET. The microcomputer specialist may then obtain the software and include it on the INTRANET site if appropriate.
- Accessing email from other than the Department email system. This includes all personal mail from places like (but not limited to) Hotmail, AOL Mail, etc.
- Sending messages that do not reflect the policies of the City of Chula Vista.
- Generating, storing, or transmitting communications, files, programs or use data or other matter containing offensive or harassing statements including comments based on race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
- Sending, receiving, or viewing sexually oriented messages or images.
- Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited and may result in discipline.
- Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Commander. Personal advertisements are not acceptable.

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

212.5 MANAGEMENT OF EMAIL

Users of email are responsible for reading and, where reasonably appropriate, acknowledging email messages with reasonable frequency and regularity. Because the email system is not designed for long-term retention of messages, email that the employee desires to save or that becomes part of an official record should be printed or saved into a separate file. Users of email are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week.

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

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

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Administrative Communications

214.1 PURPOSE AND SCOPE

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

214.2 PERSONNEL ORDER

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

214.3 CORRESPONDENCE

All external correspondence shall be on Department letterhead. Personnel should use Department letterhead only for official business and with approval of their supervisor.

214.4 SURVEYS

All surveys that are distributed or used outside the Department and are made in the name of the Department shall be authorized by the Chief of Police or a Division Commander.

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Staffing Levels

216.1 PURPOSE AND SCOPE

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

216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels may be designated by the Patrol Division Commander, with the approval of the Chief of Police. Watch Commanders should ensure that at least the minimum staffing level is deployed during each watch.

216.2.1 PERSONNEL DEPLOYMENTS

In order to accommodate training and other unforeseen circumstances and with the approval of a Watch Commander, an employee holding the rank of Police Sergeant may be used as a Watch Commander, an employee holding the rank of Police Agent may be used as a Police Sergeant, and an employee holding the rank of Peace Officer may be used as a Police Agent.

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License to Carry a Firearm

218.1 PURPOSE AND SCOPE

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

218.1.1 APPLICATION OF POLICY

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

218.2 POLICY

The Chula Vista Police Department has entered into an agreement with the SDSO for the issuance of Carried Concealed Weapons.

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Retiree Concealed Firearms

220.1 PURPOSE AND SCOPE

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

220.2 POLICY

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

220.3 LEOSA

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

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

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

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

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

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

220.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

220.3.2 AUTHORIZATION

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

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

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

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

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

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

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

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

220.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

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

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

220.4.1 LIMITATIONS TO CARRYING FIREARMS OUT OF STATE

This policy does not extend an officer's authority to enforce the law in states where it is not already authorized; it simply gives officers greater freedom to be armed. This policy has no impact on other federal and state laws regulating the possession of firearms aboard aircraft and other common transportation carriers. This policy has no impact on a private person's right to prohibit the possession of weapons on their private property.

Retired officers who qualify under this policy must still obey all federal, state, and local prohibitions or restrictions against the carrying of concealed weapons on (1) private property, if the owner imposes such prohibitions or restrictions, and (2) state or public property, such as a courthouse or a public park.

The law does not give officers the right to carry:

(a) Any machine gun (as defined in section 5845 of the National Firearms Act);

(b) Any firearm silencer (as defined in section 921 of Title 18); or

(c) Any destructive device (as defined in section 921 of Title 18).

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220.4.2 PROCEDURES FOR CARRYING FIREARMS OUT OF STATE

Any retired officer planning to carry their weapon into another state in accordance with this law must first qualify with the their weapon at the Chula Vista Police Department within 12-months prior.

Retired officers who qualify under this policy must carry department identification if traveling into another state in accordance with this law.

A retired officer may carry either a department I.D. card that indicates he/she has qualified within the last 12 months, or a department I.D. card as well as a certificate of qualification issued by the state in which the retired officer resides that indicates the individual has qualified within the last 12 months.

All retired officers shall abide by any current department policies, directives, or orders applicable to their possession of firearms, on or off-duty.

220.4.3 CALIFORNIA IDENTIFICATION CARD FORMAT

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

(a) A photograph of the retiree.

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

(c) The date of retirement.

(d) The name and address of this department.

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

220.4.4 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

The Chula Vista Police Department shall provide an identification card with a CCW Approved endorsement to honorably retired peace officers from any jurisdiction that this department now serves under the following conditions (Penal Code § 25905):

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

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

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

220.4.5 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).

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220.5 FORMER OFFICER RESPONSIBILITIES

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

220.5.1 RESPONSIBILITIES UNDER LEOSA

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

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

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

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

220.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

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

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

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

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

220.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

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

A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety.

(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,

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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).

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.

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

220.8 FIREARM QUALIFICATIONS

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

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every 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.

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).

300.1.2 REQUIRED EQUIPMENT

Uniformed officers working in the field shall carry their duty weapon, O.C., and either a conventional or collapsible baton on their person at all times. Officers shall carry a Taser unless one is unavailable for checkout. Uniformed officers working in the field who are not authorized to carry the TASER shall carry their duty weapon, O.C., and either a conventional or collapsible baton on their person at all times.

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.

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

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

300.2.1 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.

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

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

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

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

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

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.

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300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

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

(e) The effects of suspected drugs or alcohol.

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

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

(h) Proximity of weapons or dangerous improvised devices.

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

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

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

(l) Training and experience of the officer.

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

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

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

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

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

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

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

300.3.4 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 Chula Vista Police Department for this specific purpose.

300.3.5 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).

300.4 CAROTID RESTRAINT

Officers of this department are prohibited from using the carotid restraint, unless the use of deadly force is necessary (Penal Code § 835a). 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).

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300.5 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).

300.5.1 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.

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300.5.2 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.

300.6 REPORTING THE USE OF FORCE

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

300.6.1 TASER DEVICE REPORTING

(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.

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300.6.2 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

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

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

(d) The individual indicates intent to pursue litigation.

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

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

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

(h) An individual was struck or kicked.

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

300.6.3 WATCH COMMANDER RESPONSIBILITY

The Watch Commander shall monitor the use of all use of force incidents, and shall ensure training on the use of control devices is provided as needed. The Watch Commander shall respond to inquiries or notification of areas of concern with specific incidents from the Use of Force Coordinator.

300.6.4 USE OF FORCE COORDINATOR RESPONSIBILITY

The Professional Standards Unit shall review each application of a use of force by any personnel. This review should consist of an independent review of all Use of Force Reports or other information for consistency, tactics, and adherence to current legal standards and this policy manual. Incidents giving rise to questions or areas of concern should be forwarded to the shift Watch Commander, along with an explanation of the areas of concern and a request for answers or other actions. Some examples of other actions may include, but are not necessarily limited to, a critique of the incident with involved personnel, providing counseling to involved personnel, or providing additional training to involved personnel.

300.6.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

300.6.6 ADDITIONAL REPORTING

If the death of an individual occurs in the Chula Vista Police Department, jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations 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).

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300.7 MEDICAL CONSIDERATION

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

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

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

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

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

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

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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 on a body worn camera.
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) Review and approve all related reports.

(f) 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.

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

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

300.8.1 WATCH COMMANDER RESPONSIBILITY

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

300.9 TRAINING

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

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

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

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

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

300.10 USE OF FORCE ANALYSIS

At least annually, the Operations 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:

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(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.

300.11 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)).

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DUTY TO INTERCEDE

301.1 DUTY TO INTERCEDE

Purpose

It is the purpose of this policy to describe the legal and moral obligation of members to prevent unreasonable force, known as Duty to Intercede.. This duty is embodied in the Chula Vista Police Department values and mission, in the law enforcement officer's code of ethics, and in the law.

DEFINITIONS:

Intervene - To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

Member- As used in this policy, member means a member of the Police Department and includes all employees and volunteers.

POLICY:

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

When practicable, members are encouraged to use proactive measures or de-escalation tactics when observing behavior or circumstances that reasonably suggests another member is on the verge of using unreasonable or unnecessary force, or is otherwise about to act in a way that violates policy or law.

Member Responsibilities:

(a) Intercede, as described herein, to prevent the use of unreasonable force.

(b) Ensure that medical assistance is provided in accordance with Police Department Manual § 300.7. If necessary, intercede to provide emergency medical assistance whenever circumstances reasonably suggest immediate medical assistance is necessary to prevent serious bodily injury or loss of life.

(c) Notify a supervisor as soon as practicable.

Supervisor Responsibilities:

(a) When possible, supervisors should respond to any scene where a member interceded to prevent unreasonable force to conduct a preliminary investigation into the incident.

(b) Ensure that medical assistance is provided.

(c) Determine whether the actions leading to intercedence may have constituted a violation of law or policy. Supervisors are encouraged to evaluate statements from witnesses, body-worn camera video and other evidence as necessary to make a preliminary determination.

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(d) Notify the Watch Commander and take additional investigative actions as deemed appropriate.

(e) If appropriate, consider recommending that the member who interceded receive recognition for their actions.

Watch Commander Responsibilities:

(a) Evaluate the situation to provide guidance for follow up action from the supervisor, Professional Standards Unit or others.

(b) Notify command staff.

(c) When appropriate, recognize the positive actions of the member who interceded in accordance with this policy.

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Deadly Force Review

302.1 PURPOSE AND SCOPE

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

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

302.2 POLICY

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

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

302.4 REVIEW BOARD

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

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

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

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

302.4.1 COMPOSITION OF THE BOARD

The Administrative Services Division Commander should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command

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- Training Manager
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

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

302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

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

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to

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consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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

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DE-ESCALATION

303.1 DE-ESCALATION

Officers should consider that most situations do not require use of force. A reasonable response to some situations may involve taking no physical action, passively monitoring a situation, attempting to "slow down" a situation and re-assess strategies with the goal to achieve the most peaceful outcome, the use of de-escalation measures to defuse a situation, or the use of reasonable force to accomplish a legitimate law enforcement purpose. Members should continually assess the situation and changing circumstances and modulate their response appropriately.

Officers should use de-escalation techniques whenever reasonably possible and appropriate, before resorting to force and to reduce the need for force. De-escalation techniques may include verbal persuasion, warnings and tactical de-escalation techniques. Examples of de-escalation techniques may include, but are not necessarily limited to:

- Slowing down the pace of an incident, waiting out subjects, or creating distance (and thus the reactionary gap) between an officer and a threat.
- Requesting additional resources (e.g., specialized units, mental health care providers, negotiators, etc.) to resolve the incident.
- Identifying danger signs early on (presence of weapons, signs of mental instability, etc.).
- Keeping a low voice and an even tone whenever possible, asking open-ended questions, and listening carefully to the answers. By asking questions and paying attention to the answers, officers may obtain key information about the subject and the situation that provides a way to resolve the incident.
- The use advisement, warnings, verbal persuasion, clear instructions, and other tactics and alternatives to higher levels of force.
- Avoiding offensive or incendiary language, such as taunting or insults, that could escalate the incident.
- Withdrawing to a position that is tactically advantageous or allows greater distance in order to de-escalate a situation or deploy a greater variety of force options, including lesser force or no force at all.
- Working in a manner that avoids unduly jeopardizing the safety of Officers or others.

Members shall not use tactics designed to intentionally escalate the level of force.

Officers should consider whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to:

- - Medical conditions
- - Mental impairment
- - Developmental disability

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- - Physical limitation
- - Language barrier
- - Drug interaction
- - Behavioral crisis
- - Fear or anxiety
- - Cultural influences

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Handcuffing and other 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 Chula Vista 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 Chula Vista 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 is known to be wearing a prosthetic device or has any other apparent disability.

306.3.1 RESTRAINT OF DETAINEES

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

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.

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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 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, or other inability to comply) 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.

306.5 APPLICATION OF SPIT HOODS

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

Department issued 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

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generally used during application of a physical restraint, while the person is restrained, and during the transport process.

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 commingling 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.

306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

Auxiliary restraint devices include transport belts, waist or belly chains, transportation chains, leg irons, the WRAP 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 such as the WRAP may be used to restrain the legs of an assaultive or physically resistantperson 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 the following circumstances:

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

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

(d) Medical assistance shall be obtained for any person exhibiting signs of physical distress or injury while in any leg restraint device. In order to assist in providing

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appropriate medical aid, the officer should remove the person from the restraint device upon placement on a gurney or similar device equipped with a suitable alternate restraint system, or whenever it is reasonably safe to do so.

306.8 GUIDELINES FOR APPLICATION 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.

b.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.

c.The officer should look for labored breathing and take appropriate steps to relieve and minimize any apparent factors contributing to this condition.

d. Leg restraint devices should be removed as soon as practical if the person no longer reasonably appears to pose a threat to officers or others.

Officers should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration, or other inability to comply).

306.9 GUIDELINES FOR MAXIMUM RESTRAINT CHAIR AND WRAP:

The use of the restraint chair with the WRAP requires the person to be seated in the restraint chair, and the bottom two buckles are unfastened to allow the legs to bend. A supervisor shall be notified before assisting jail staff with securing the person to the restraint chair.

306.10 TRANSPORTING RESTRAINED SUBJECTS

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

(a) Restrained persons may be transported in a patrol unit. .The restrained person should be continually monitored by a second officer during transport and while in the leg restraint or the WRAP. The maximally restrained person will be transported laying sideways across the back seat secured by a seat belt. As soon as practical the restrained person should be seated in an upright position and secured by a seat belt. Restrained persons shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe. Care should be taken to prevent the long lead of the restraint from dragging on the ground during transport. 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 inside the ambulance. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright position where practicable. If medical personnel determine

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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.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 subject (e.g., prolonged struggle, extreme agitation, impaired respiration, or other inability to comply).

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

306.11 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, other medical problems, or other inability to comply.

306.12 TRAINING

The Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

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

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

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

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

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Police Duty Knife

307.1 PURPOSE AND SCOPE

The Department recognizes the utility of knives as a tool for a variety of needs, including everyday cutting and emergency extraction/removal operations. The knife is also considered a "last ditch" weapon to be used during emergency sidearm retention procedures, or as an emergency self-defense against aggravated active aggression.

The purpose of this policy is to provide police officers with guidance in the proper equipment and procedures for carrying knives while on duty. Nothing in this policy shall supersede judicial or statutory authority, including the California Penal Code, relating to the possession of, carrying or concealment of any knife or edged tool. Use of a knife during on-duty activities shall be in accordance with legal authority and the Department's policy on the use of force.

307.1.1 DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

"Knife" shall mean an instrument designed for cutting, consisting of a thin, sharp-edged metal blade fitted with a handle.

"Folding knife" or "Pocketknife" shall mean a sharp-edged cutting tool with one or more blades that fold into the handle, suitable for carrying-in or clipped-to a pocket.

"Fixed-blade knife" shall mean a rigid, non-folding sharp-edged blade with some type of handle, commonly carried in a sheath.

307.2 AUTHORIZED KNIFE

A knife may be carried by sworn personnel while on-duty or actively engaged in an official capacity. The following types of knives are authorized to be carried while on duty:

(a) A folding knife with a blade length no greater than seven inches and a handle-mounted clip for attaching onto the uniform.

(b) A fixed blade knife with a blade length less than three inches and carried unconcealed in a rigid, puncture-resistant sheath.

All other types of knives are prohibited, unless authorized by the Chief of Police or his designee.

The duty knife should be dark colored and/or chrome (i.e. Spyderco) and attached to the person in such a manner that does not reasonably detract from the officer's public appearance. The knife should be carried on the employee's non-dominant side, or in a position that allows access by either hand.

307.3 USE AND DISPLAY OF KNIFE

Officers should use good judgment in the display and use of their duty knives. The knife should be closed and replaced into its carrying position when the task at hand is completed. Careless, negligent or other unauthorized use or display of the patrol knife is prohibited.

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Officers should use caution when engaged in any activity where the cutting edge of the knife is in close proximity to any body part, person, or animal.

The patrol knife should be used as a last resort in freeing a victim from cordage/restraint, or to remove items of clothing in an emergency situation, and only if there is no better tool readily available (such as medical scissors, or other similar tools designed for that purpose).

The need for immediate removal of any ligature, binding or restraint should be tempered by the risk of laceration from the knife. If used in this situation, the knife shall be used in such a manner as to not inflict unnecessary injury.

307.3.1 THE KNIFE AS A SELF-DEFENSE WEAPON

Any use of the patrol knife as a weapon is considered "Lethal Force" and is subject to all other Chula Vista Police Department policies and procedures regarding use of force.

307.3.2 OFF-DUTY ISSUES

Officers are afforded no special privileges for carrying a knife while off-duty and are subject to the same laws and privileges as a civilian citizen.

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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.

308.1.1 REPORTING THE USE OF CONTROL DEVICES AND TECHNIQUES

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

308.1.2 WATCH COMMANDER RESPONSIBILITIES

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

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

308.1.3 FORCE OPTIONS TRAINING COORDINATOR RESPONSIBILITIES

The Force Options Training Coordinator shall review each use of control devices by any personnel.

The Force Options Training Coordinator shall ensure training on the use of control devices is provided as needed.

308.1.4 QUARTERMASTER RESPONSIBILITIES

The Quartermaster shall work with the Force Options Training Coordinator to control the overall inventory and shall issue all control devices. The Quartermaster may, with the permission of the Chief of Police or his designee, assign responsibility for inventory and issuance of specific control devices to personnel trained in the operation and management of those devices.

All damaged, inoperative and/or expended control devices shall be returned to the Quartermaster, or to the person designated by the Chief of Police, for disposition, repair or replacement.

308.2 POLICY

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

308.2.1 ORCUTT POLICE NUNCHAKU (OPN)

Use of the Orcutt Police Nunchaku (OPN) is restricted to sworn members of the department's designated crowd control team (Mobile Field Force) and other sworn officers given written authorization by their division commander. It is otherwise not authorized to be carried or used.

The written authorization requirement is waived for those employees hired before January 1, 2006. Employees hired before that date may carry or use the OPN without written authorization provided they maintain current biannual certification as detailed below.

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Regardless of assignment or date of hire, all employees authorized to carry or use the OPN shall have completed a basic course taught by a certified academy or Departmental instructor, and shall attend an annual recertification course. Defense and control are the primary functions of the OPN. Arrests made using the OPN should primarily utilize controlling techniques to the arm, wrist, and ankle. Approved impact techniques may be utilized when the use of a baton is justified. Officers should take reasonable care to avoid striking vital areas of the body.

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 or members of specialized units 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.

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

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

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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.

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.

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.

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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 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.

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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.

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.

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308.10 MISCELLANEOUS CONTROL DEVICES AND TECHNIQUES

308.10.1 MAXIMUM RESTRAINT CHAIR

Instruments of restraint are only used to hold inmates who display behavior that will likely result in injury to themselves or others, or on those who repeatedly cause or attempt to cause the destruction of property. The use of the maximum restraint chair shall be in accordance with articulable factors independently observed in the jail, and may not be used solely as an extension of maximum restraining in the field or offender conduct observed outside of the jail. Restraints shall never be used as a form of discipline or a substitute for treatment.

(a) supervision and Documentation

1. The Watch Commander shall be notified every time restraint equipment is to be utilized. If possible, the Watch Commander or his/her designee should be notified prior to the prisoner's placement in the maximum restraint chair. if that is not practical, the Watch Commander or his/her designee shall be notified as soon as possible after the inmate has been restrained.
2. Use of the maximum restraint chair shall be documented in the incident report and jail database.
3. Jail Staff shall be responsible for monitoring and properly documenting the inmate's care per this policy.

(b) Monitoring and Retention

1. All inmates restrained in a maximum restraint chair shall be housed alone or in a specified housing area to protect the inmate from abuse.
2. The Watch Commander or his/her designee shall monitor and re-evaluate the need for the inmate's continued retention in a maximum restraint chair at least every hour. Jail staff shall be responsible for checking with the Watch Commander or his/her designee every hour.
3. Jail staff shall monitor the inmate's behavior and progress and note it in the jail observation log.
4. The Watch Commander will ensure the restraints are removed as soon as the inmate's actions allow.
5. Jail staff should continuously monitor the inmate's physical condition. Medical aid should be summoned immediately if the inmate exhibits any signs of medical distress, including agitated psychosis and/or agitated delirium. In the event medical aid is necessary, jail staff should call 911 immediately.
6. Jail staff shall notify the Watch Commander or his/her designee of any change in the health or medical status of the restrained inmate.

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7. Jail staff shall consider the hydration and sanitation needs of the restrained inmate. If the inmate requests water or restroom facilities, the request shall be granted if sworn staff determines it can be done without jeopardizing the safely of the inmate, staff, and/or the security of the facility.

8. **Under no circumstances will the restrained inmate be kept in a restraint chair for more than two hours.** Jail staff shall notify the Watch commander if it appears the inmate will exceed the two-hour time limit. The Watch Commander will decide whether or not the inmate is suitable to return to normal custody or if they should be transported to another facility.

9. If circumstances indicate that a restrained inmate will likely have to remain in a restraint chair for more than two hours, the inmate shall be transported to another jail facility as soon as possible.

10. Prolonged use of restraints that severely limit the motion of the inmate's extremities may cause unnecessary pain and/or injury. Upon review and recommendation by jail staff, and with the approval of the Watch Commander, restraints may be adjusted or partially removed to allow alternating extremities to be exercised. Periods of extremity exercise shall be documented in the observation log.

11. Sworn staff must directly observe inmates who are in restraint chairs every 15 minutes, or more frequently, if possible.

12. Observing the inmate by video is not direct observation and not sufficient for purposes of monitoring the inmate's condition.

13. All observations shall be documented in the observation log.

14. Copies of the observation log should be attached to the case report.

(c) Restraint Chair Procedures

1. The inmate must be handcuffed behind the back for officer safety, and the cuffs double locked, to prevent inmates from manipulating them or causing complications during placement into the chair.

2. If needed and when tactically sound, the inmate's handcuffs can be removed while under control and placed into the appropriate wrist straps to assist with processing and to relieve pressure and blood circulation of writs and arms.

3. In cases of extreme behavior it may be necessary to leave the inmate handcuffed behind the back while secured in the restraint chair. This requires the approval of the Watch Commander and must be documented in the observation log.

4. If the inmate's hands are left cuffed behind their back, jail staff shall check blood circulation in the wrists every 15 minutes. If blood circulation is compromised,

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the cuffs should be loosened or the inmates hands shall be placed at the sides of the restraint chair.

5. Restrained inmates shall be positioned in a predetermined location where the jail camera system can record video and audio of the actions of the inmate and staff. All recordings should be treated as evidence and properly logged.

6. Once removed from the restraint chair, jail staff shall evaluate their physical well-being and call for medical assistance if necessary.

(d) All use of the maximum restraint chair shall be in accordance with the Jail Policy Manual. A copy of the Jail Policy Manual is available from Jail staff or from the Watch Commander.

(e) Use of the maximum restraint chair is considered force and shall be documented in the case report and use of force form.

308.10.2 CROWD CONTROL SHIELD

Crowd Control Shields are primarily used for protection against unruly citizens during situations of civil unrest. Their main purpose is to protect the officers from flying debris and potentially harmful objects, to push or direct unruly crowds, or as a defensive impact weapon. Use of a Crowd Control Shields is restricted to trained personnel. Crowd Control Shields are generally stored with Mobile Field Force equipment and in the Jail facility.

Approved impact techniques utilizing the Crowd Control Shield may be utilized when the use of an impact weapon is justified. Employees shall take reasonable care to avoid striking vital areas of the body.

Crowd Control Shields are also used during jail extraction incidents involving unruly and dangerous inmates. The first officer entering the cell should use a Crowd Control Shield to control and "pin" the inmate against the wall or floor, thus trapping the inmate in a stable position. The shield shall be removed from the cell once other officers have gained control of the inmate.

308.10.3 SPIT MASKS

Spit masks are intended to be used to protect staff and other inmates from inmates who are intentionally spitting. Spit masks shall never be used as a form of punishment and the use of a spit mask shall be documented in the observation log and case report. Spit masks shall be properly placed on a subject inmate's head and secured without impairing the inmate's breathing. No other forms of covering the inmate's mouth or nose shall be used (i.e.: pulling the inmate's shirt over their head, wrapping cloth around the inmate's face, etc.). The Watch Commander shall be notified every time a spit mask is used on an inmate and the officer shall document it on a use of force form.

308.11 BLOOD DRAW CHAIR

The Jail maintains a restraint chair which has been designated for blood draws. The chair is clearly identifiable with the words "Blood Draws" on the chair. This shall be the only maximum

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restraint chair used for forced blood draws and the use of the chair shall be documented in the incident report and jail database.

The blood draw chair shall not be used as a maximum restraint chair. The blood draw chair will be used when a forced blood draw is necessary. A forced blood draw must be approved by the Watch Commander and it shall be conducted in compliance of the law.

308.12 TRAINING FOR CONTROL DEVICES

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

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

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

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

308.13 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.

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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 personnel 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.

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

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

When carried while in uniform, personnel shall carry the TASER device in a weak-side holster on the side opposite the duty weapon. Personnel shall not carry the Taser on the same side as their duty weapon.

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

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

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

(d) Personnel should not hold both 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.

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(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 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.

309.5 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:

(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 ADDITIONAL MEDICAL CIRCUMSTANCES

Officers shall not solely accept a verbal refusal for medical attention from any person that has sustained a visible injury or has been rendered unconscious. The officer should transport the person to a medical facility, and allow medical personnel to determine the appropriate need for medical attention.

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

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

309.5.3 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

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

309.5.4 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.

309.5.5 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

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individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

(a) Whether the probes are making proper contact.

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

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

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

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

309.5.7 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.

309.5.8 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
Officers shall document all TASER device discharges in the related arrest/crime report and the Use of Force report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented with the appropriate form. See the Use of Force Policy for additional guidance.

309.6.1 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

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(c) Medical care provided to the subject

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

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

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

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.

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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.

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.

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

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

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

The Force Options Manager is responsible for ensuring that all personnel who carry TASER devices have received initial and additional training every two years. 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 Force Options Manager 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.

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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 other action of an officer.

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

310.1.1 DEFINITIONS

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

Accidental Discharge - Shall mean any accidental or unintentional firing of a firearm.

Fatal Injury - Shall mean death, or injury that is so severe that death is likely to result.

Involved Officer - Shall mean any employee or employees whose acts were the proximate cause of a fatal or serious bodily injury to another person, or whose acts were intended to be the proximate cause of a fatal or serious bodily injury to another person, or who discharged any weapon except the weapon was discharged in situations as described in § 310.13, Exclusions.

Officer Involved Shooting - Shall mean any incident in which an employee discharges a firearm against any other person, regardless of resulting injury, or in which an employee accidentally discharges a firearm and proximately causes serious bodily injury or death to any person, or in which an employee is the proximate cause of fatal injury to any person. Officer Involved Shootings include, but are not limited to: officer involved shootings that result in a fatality, accidental discharges that result in serious bodily injury, and any vehicle fatality that occurs while in pursuit or in connection with the use of a "legal intervention" technique.

Proximate Cause - Shall mean a cause that, in a natural and continuous sequence, produces the fatal injury or serious bodily injury, without which cause the injury would not have occurred. Reasonable foresight of the fatal injury is not a factor relevant to this definition.

Serious Bodily Injury - Shall mean any bodily injury that involves a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body. Loosely defined, "Serious Bodily Injury" generally means any injury requiring hospitalization.

310.1.2 AGREEMENTS WITH OTHER AGENCIES

Nothing in this policy shall preclude the Department from entering into agreements with other allied agencies for the response and investigation of Officer Involved Shootings.

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310.1.3 EXCLUSIONS

Provisions of this policy do not apply to the following, unless the incident involves serious bodily injury or death to any person:

(a) Shots fired with a Department-issued firearm at an approved target range.

(b) Shots fired with other weapons at a target range or in an otherwise legally authorized shooting area.

(c) Shots fired in the necessary protection from or destruction of a vicious or injured animal, as specified in Policy Manual § 304, et seq.

310.2 POLICY

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

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 CONTROL OF INVESTIGATIONS

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

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

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 Chula Vista Police Department would control the investigation if the suspect's crime occurred in Chula Vista.

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

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310.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

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.

310.5 INVESTIGATION PROCESS

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

310.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

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

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

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

(d) Coordinate a perimeter or pursuit of suspects.

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

(f) Brief the supervisor upon arrival.

310.5.2 WATCH COMMANDER RESPONSIBILITIES

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

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

310.5.3 NOTIFICATIONS

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

- Chief of Police
- Investigation Division Commander
- Crimes of Violence Unit
- Outside agency investigator (if appropriate)

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- Professional Standards Unit supervisor
- City Attorney's Office
- District Attorney's Office
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

310.5.4 COLLECTION OF THE SHOOTER OFFICER'S WEAPON

The shooter officer's weapon should be collected in all incidents of accidental discharges, regardless of whether or not the death or injury of any person resulted from that weapon's use, and shall be collected in all incidents of officer involved shootings where the weapon was used.

A supervisor shall determine the appropriate circumstances to collect the officer's duty weapon for laboratory analysis. The purpose of taking the weapon is to facilitate a fair and complete forensic investigation, and not to suggest any wrong-doing on the part of the officer. Officers feel awkward, embarrassed, and some even feel judged as guilty when their weapons are seized at the scene in public view. Officers should be allowed to keep their weapon until it can be collected and replaced in a discreet fashion unless reason dictates otherwise. Generally, the weapon should remain with the officer involved until after they have left the scene and moved to a safe location such as the Police Department building.

(a) If there are multiple involved officers and witnessing officers, the supervisor should inspect the firearms of all officers who are present at the time of the incident and who have not been identified as having discharged their firearm. This will ensure that all discharged firearms are identified and collected, and to specifically document those weapons which have not been fired. A "Firearms Worksheet" may be used to document the inspection of each firearm. The Firearms Worksheet should contain:

1. The names and identification numbers of the officers whose firearms have been checked;
2. The make, model, caliber, and serial number of the firearms checked; and
3. Whether or not it appears the firearms may have been used during the incident.

(b) Whenever an officer's weapon is collected, the following guidelines should be utilized:

1. Whenever practical, the weapon should be collected in a discrete manner (i.e., in private, out of public view, and out of the view of other officers if possible).
2. Arrangements shall be made to have the weapon replaced with another as soon as possible (preferably immediately after the weapon is taken), or the

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officer should be advised the weapon will be returned or replaced as soon as possible and appropriate. Replacement weapons are available from the Watch Commander.

(c) Any employee collecting any weapon or instrument should make note of the following:

1. Its readily visible general description and condition.
2. The appearance and the location of any trace evidence adhering to the weapon, to the extent these observations can be made without compromising physical evidence.
3. The location where the weapon or instrument was first observed by the Supervisor.
4. The identity of the person or location at which the weapon or instrument was received.

(d) In firearms cases, the collecting employee should, to the extent possible without risking evidence, also make note of the following:

1. Whether the firearm is cocked, has its safety "on" or "off", and the position of its hammer.
2. Any apparent jamming of either fired or unfired ammunition.
3. The location and position of the magazine (e.g., fully or partially inserted, completely separate from the firearm, missing, etc.)

(e) In firearms cases, the following additional guidelines should be followed:

1. If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam. The weapon may be cleared by appropriate forensic personnel.
2. If the firearm is cocked (or if a semi-automatic pistol cannot be determined to be cocked or not), the safety may be put "On" and the hammer may be lowered by the supervisor, who must make note of that fact.

Collected weapons or instruments shall be transferred to detectives or forensic personnel.

310.5.5 SUPERVISOR RESPONSIBILITIES

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

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

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

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

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

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

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

(d) Take command of and secure the incident scene with additional CVPD 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 CVPD officer should be given an administrative order not to discuss the incident with other involved officers or CVPD 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.

310.5.6 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

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

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

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

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

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

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

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2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

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

310.6 CRIMINAL INVESTIGATION

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

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

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

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

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

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

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(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.

310.6.1 REPORTS BY INVOLVED CVPD OFFICERS

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

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

310.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

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

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

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

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

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

310.6.3 INTERVIEWS AND STATEMENTS OF INVOLVED OFFICERS

All persons involved in the investigation must remember not to treat the officer(s) as criminals. Involved Officers will be treated with as much courtesy and compassion as possible under the circumstances. Each officer must make their own decision whether to provide voluntary statements about the incident, or to invoke Miranda and refuse to provide any voluntary statements. The rights of an officer to invoke Miranda rights, or refuse to give voluntary statements, must be recognized.

A supervisor may ask an Involved Officer questions relating to potential public safety information. These questions may be asked prior to any advisement of Miranda rights, and officers may not refuse to answer these questions. If necessary, the supervisor may administratively order any officer from this department to immediately provide public safety information necessary to secure the scene and pursue suspects. Examples of questions related to public safety may include, but are not limited to the following:

- Questions relating to the number and direction of shots fired by the officer(s)
- Questions relating to the number and direction of shots fired at the officer(s)
- Number of suspects
- Descriptions and last known locations of any outstanding suspects
- Locations of any killed, injured, or potentially injured persons
- Questions relating to any future tactical response in response of the incident
- Other questions relating to public safety

A supervisor may also ask the Involved Officer(s) questions relating to the nature and circumstances surrounding the incident. However an officer may refuse to answer these questions. In the event an officer refuses to answer these questions, no further interviewing of the officer by the supervisor should take place at that time.

Except as provided above, Involved Officer(s) shall be read their Miranda rights prior to any questioning. Officers should be interviewed as soon as possible after the investigation of the scene. However, investigators need not rush interviews, investigations, or be in a tremendous hurry to complete reports if emergency situations do not exist. Given the emotions generally surrounding fatal incidents, attempting to obtain statements from Involved Officers immediately afterwards may not be the best strategy.

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It is also recommended that a "walk-through" of the scene with Involved Officers be done prior to any interviews. However, Involved Officers may refuse to take part in such "walk-through" activities in accordance with the 5th Amendment of the United States Constitution and the Public Safety Officers Procedural Bill of Rights Act (California Government Code § 3300, et seq.).

In the event an officer invokes Miranda rights or refuses to give voluntary statements, any interviews by criminal investigators shall immediately cease.

Subsequent to the invocation of Miranda rights by the Involved Officer, the administrative investigator may proceed with an administrative interview in accordance with the principals of Lybarger. Prior to questioning the administrative investigator shall read involved officer(s) the Lybarger admonitions as set forth in Lybarger v. City of Los Angeles (1985) 40 Cal.3d 822. In such cases the administrative interview shall be privileged, and the interview shall be for the exclusive use in the administrative investigation.

310.6.4 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated CID 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 CID 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.

310.7 ADMINISTRATIVE INVESTIGATION

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

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

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

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

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

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

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

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310.8 AUDIO AND VIDEO RECORDINGS

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

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

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

310.9 ACCIDENTAL DISCHARGES NOT RESULTING IN DEATH OR SERIOUS BODILY INJURY

Any employee, whether on or off duty, who discharges a firearm, either accidentally or otherwise, shall immediately report the incident to a Department supervisor or on-duty Watch Commander. A supervisor shall respond to the scene of any accidental discharge that occurred within the City of Chula Vista. The supervisor shall question any involved or witnessing officer(s) and any other witnesses for the purpose of determining the circumstances and facts involved in the accidental discharge. In all cases of accidental discharges the supervisor should collect the firearm of the involved officer(s).

The officer shall write a detailed and complete memorandum, addressed to the supervisor, documenting the circumstances of the accidental discharge. This memorandum should generally be completed before the end of the involved officer's workday, or as soon as practical. A recorded formal interview with the supervisor can take the place of the memorandum.

The supervisor will complete a detailed and complete administrative investigation, and subsequently produce an administrative report of the incident. The report of the supervisor will focus on administrative concerns, which may include but are not limited to:

(a) Tactics,

(b) Training,

(c) Equipment, and

(d) Policy.

The supervisor's report will be forwarded through the chain of command to the Professional Standards Unit.

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310.10 POST-INCIDENT PROCEDURES

One of the primary concerns of the Department is the overall well-being of all personnel involved in the incident. It is recommended that all personnel at the scene, and all dispatchers involved in the incident, should attend a debriefing within one week of the incident. The involved officer(s) may be excluded from this debriefing as their involvement usually creates different emotional issues from those not involved.

310.10.1 ADMINISTRATIVE LEAVE

Recognizing that each officer involved shooting or officer involved fatal incident is unique, involved officer(s) shall receive administrative leave time from duty. The purpose of this leave is to give each involved officer time to deal with the emotional and psychological impacts of the incident. Administrative leave for these purposes shall be paid leave. The following guidelines will be followed:

(a) A minimum of three days administrative leave shall be required for the involved officer(s).

(b) Additional leave time may be authorized at the discretion of the Chief of Police.

(c) A "paced" return to duty may be allowed for the involved officer(s), at the discretion of the Chief of Police. This may include such tactics as assigning the officer to "light duty" or "reassigned duty", or allowing the officer to ride with a fellow officer, work a different beat, or work a different shift.

310.10.2 VISITS WITH A MENTAL HEALTH PROFESSIONAL

In all officer involved shootings, as defined by this policy, which result in death or serious bodily injury to any person, the involved officer(s) shall attend a mandatory confidential visit with a Mental Health Professional. The visit should take place within one to two days of the incident, except in cases where the involved officer is wounded or incapacitated. In those cases, the visit should take place as soon as reasonably practical.

In the case of other officer involved shootings, as defined by the policy, which did not result in death or serious bodily injury, a mandatory visit with a Mental Health Professional may be required of the involved officer(s) at the discretion of the Chief of Police.

Additional visits with the Mental Health Professional may be required, at the discretion of the Chief of Police, of any personnel who had any part in the incident or its subsequent investigation.

The meeting with the Mental Health Professional is confidential. The Mental Health Professional may, however, report to the Department on their opinion of the officer's fitness to perform law enforcement duties.

The Mental Health Professional may make follow-up recommendations (such as the need for additional visits) to the Chief of Police.

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310.11 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.

310.12 DEBRIEFING

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

310.12.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

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

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

310.12.2 TACTICAL DEBRIEFING

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

310.13 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Division Commanderand Public Information Officer in the event of inquiries from the media.

The Department shall not subject any involved CVPD officer to visits by the media (Government Code § 3303(e)). No involved CVPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Division Commander. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain

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from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.14 REPORTING

If the death of an individual occurs in the Chula Vista Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations 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).

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Traumatic Incident Debriefing

311.1 PURPOSE AND SCOPE

Law enforcement duties may expose Department members to mentally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. Officer-involved actions resulting in death or serious bodily injury to a citizen or fellow officer may precipitate such stress disorders. There are other incidents so critical in nature that may also result in such stress disorders. There is also a wide variation in post-incident reactions to critical incidents. Each individual is unique and will not react in the same way, and not every officer will have a traumatic reaction. Support from supervisors and fellow employees is valuable in the short-term and long-term. Because each officer reacts differently, it is just as important not to over support as it is not to under support. Each situation has to be dealt with on a case-by-case basis.

Supervisors should remember that every involved officer (whether at the scene of not) of a critical incident may experience a post-traumatic reaction (such as the officer who did not shoot in a deadly force incident, the officer who missed, or those officers on the way to the scene or arriving on the scene after the incident has concluded) and each officer should have the opportunity to receive the support and treatment that may be necessary. However the responsibility for recognizing personnel affected by stress disorders is shared by both the Department and all employees.

These guidelines are written with the understanding that no two incidents are the same, nor are any two individuals affected the same by a given incident. Therefore, the response from the department shall generally be dictated by the circumstances and personnel involved. While most incidents allow for discretion by supervision, it is the goal of the Department to take immediate action to safeguard the continued good mental health of all involved personnel.

311.1.1 DEFINITIONS

As used in this policy, the following definitions apply:

(a) "Administrative Leave" means any authorized leave with pay, for the purpose of investigation, healing, or recovery.

(b) "Incident" or "Critical Incident" means any event involving the immediate risk of death or serious bodily injury to an officer or any other person. Critical Incidents may include, but are not limited to: officer involved shootings, situations involving the use of deadly force, or other similar incident.

(c) "Department" means the Chula Vista Police Department.

(d) "Formal Debriefing" means a meeting between all available personnel involved in a critical incident. The meeting will be conducted by a mental health professional or a professional critical incident stress debriefing team hired by the Department. The intent of this debriefing is not to place blame, but to allow for feedback and improve effectiveness and to help personnel overcome the effects of Post-Traumatic Stress Disorder.

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(e) "Informal Debriefing" means a discussion, in an informal setting, between involved officer(s) and a supervisor. The intent of the debriefing is to review the facts and circumstances leading up to a critical incident, and to provide feedback and support to involved personnel.

(f) "Mental Health Professional" means a professional person, hired by the Department, who has an advanced degree in counseling, psychology, social work, or psychiatric nursing with extensive experience and has been trained or certified in critical incident stress debriefings.

(g) "Post-Traumatic Stress Disorder" means an anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress.

311.2 PERSONNEL RESPONSIBILITIES

(a) Officer and Agent Responsibilities:

1. Emergency life saving measures and medical treatment have first priority.
2. Notify a supervisor of the incident.
3. The scene(s) must be secured immediately with a perimeter established for each a sufficient distance away to safeguard evidence. In most circumstances, an inner and an outer perimeter are appropriate.
4. Locate, identify, and isolate any witnesses.
5. Locate, identify, and document any evidence.
6. If a suspect is transported to a hospital with any injuries an officer should accompany that injured person in the same vehicle, if reasonably possible.
7. If the Incident is to be investigated by members of the Criminal Investigations Division, officers should maintain the scene and witnesses until given further instructions.
8. If the incident is to be investigated by the Department Patrol Division, officers may begin to process the scene and investigate the incident as per normal operating protocol.

(b) Supervisor Responsibilities:

1. Upon arriving on scene the supervisor shall ensure that appropriate medical treatment is requested.
2. Ensure that the scene is secure and in the command of appropriate personnel
   (a) Be prepared to assume command of the scene if appropriate

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3. Interview personnel to ascertain the nature, circumstances, and any relevant details of the incident, in preparation to make reports to appropriate personnel.
4. Notify the on-duty Watch Commander of the incident and circumstances.
5. Continue to monitor, advise, and command the on-scene investigation as needed.
6. Remain alert to the emotional and psychological responses of personnel.

(c) Watch Commander Responsibilities:

(a) Upon receipt of notification of the incident, make telephonic notifications as appropriate to the nature of the incident and circumstances. Notification may include, but is not limited to

(a) Notification of the on-call Captain or Division Commander;

(b) Notification of the Press Information Officer;

(c) Notification of appropriate investigating division personnel;

(d) Notification of Crime Laboratory personnel; or

(e) Notification of the city Risk Manager or Risk Analyst.

(b) Ensure that the scene is secure and in the command of appropriate personnel

(a) Be prepared to respond to the scene and assume the role of incident commander if appropriate.

(c) Continue to monitor and, as necessary, manage the incident as it progresses.

(d) Press Information Officer Responsibilities:

1. Press releases should generally be coordinated through one designated investigating officer, supervisor, Watch Commander, or the Department Press Information Officer.
2. Any personnel receiving inquiries regarding a critical incident should not make any statements and, instead, refer the inquiring party to a supervisor or other designated Press Information Officer.

311.3 POST-INCIDENT DEBRIEFING GUIDELINES

(a) Following any critical incident, a decision must be made regarding what steps need to be taken. Along with the completion of an impartial and professional investigation, an additional primary concern is the overall well-being of the personnel involved. There are several steps which are critical to this decision making process. The initial steps may include:

1. Supervisory observation and assessment, and

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2. An informal debriefing with a supervisor and peers.

(b) Additional steps may include:

1. A formal debriefing,
2. Counseling by authorized counselors and services,
3. Counseling by a mental health professional, and
4. Administrative leave for the purposes of recovery.

Any post-incident debriefings, either formal or informal, should be scheduled such that involved personnel are required to discuss the incident as few times as possible. Depending on the nature and circumstances of a critical incident, the Department may mandate attendance at any debriefing, counseling, or psychological services.

311.3.1 INFORMAL DEBRIEFING

For many types of critical incidents, an informal debriefing conducted by the supervisor may be sufficient.

When conducting any informal debriefings, the supervisor should remain alert for symptoms of Post-Traumatic Stress Disorder. Symptoms may include:

(a) Any noticeable or significant change in job style, including:

1. Increased post-incident self-initiated activity
2. Increased dependence on supervisory input for decisions
3. Argumentativeness or defiance
4. Recklessness
5. Fearfulness
6. Increased use of unnecessary or excessive force
7. Increase in citizen complaints
8. Post-incident avoidance of calls
9. Hyper vigilance in officer safety

(b) Social withdrawal

(c) Appearing preoccupied

(d) Significant increase in errors

(e) Increased utilization of sick time

(f) Signs of depression, including:

1. Weight loss

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2. Increased cynicism and pessimism
3. Loss of sleep
4. Difficulty concentrating

(g) Loss of sense of humor

(h) Hypersensitive to criticism

(i) Heightened sense of danger

(j) Extreme emotional responses

The supervisor may consider recommending further counseling or support for involved personnel as necessary.

311.3.2 FORMAL DEBRIEFING

If the nature and circumstances of a critical incident represent increased risk of Post-Traumatic Stress Disorder, a formal debriefing should be arranged. The supervisor or Watch Commander on-duty at the time of the incident should be responsible for arranging for a formal debriefing to be conducted as soon as practical. The supervisor or Watch Commander should notify the Peer Support Team Coordinator, who will make logistical arrangements for the formal debriefing.

311.3.3 ADDITIONAL DEBRIEFINGS

Additional counseling or psychological services may be necessary for the recovery of involved personnel at the discretion of the Chief of Police. Additional services may include, but are not limited to:

(a) A formal debriefing by a Department authorized professional Critical Incident Stress Debriefing Counseling Team;

(b) Assistance from the City of Chula Vista Employee Assistance Program (EAP);

(c) Assistance from the Department Peer Support program;

(d) Meeting(s) with a Department authorized Chaplain; or

(e) Meeting(s) with a Department authorized Mental Health Professional.

311.3.4 DEBRIEFING WITH A MENTAL HEALTH PROFESSIONAL

If a meeting with a Department authorized Mental Health Professional is arranged, the following guidelines should be used.

(a) Many officers feel there is enough pressure present right after the use of deadly force. Department personnel should be sensitive to the fact that it may add more pressure by ordering the officer to see a Mental Health Professional. If it can be arranged, it is recommended that the Mental Health Professional contact the officer instead. This should occur within 24 hours of the incident, otherwise the officer should be scheduled for counseling within one to two days of the incident.

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(b) The meeting with the Mental Health Professional is confidential. No written report by the Mental Health Professional will be made to the Department unless the officer is unable to perform his/her employment duties.

311.4 ADMINISTRATIVE LEAVE

The Division Commander may authorize administrative leave for involved officer(s) to recover. Administrative leave for these purposes shall be paid leave.

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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 Chula Vista 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.

312.2.1 CARRYING OF WEAPON

All sworn, on duty officers shall have their issued, or authorized duty weapon available at all times and subject to the following requirements and restrictions:

(a) On duty uniformed officers shall carry their duty weapon on their gun belt and in a holster issued and/or authorized by the Department.

(b) On duty investigative and/or plain-clothes officers shall carry their service weapon in an approved holster while on-duty. Sworn, on duty investigative and/or plain-clothes officers should carry their weapon concealed unless the officer is physically located within the workplace and a badge is being worn and is clearly visible, or is engaged in an arrest or other law enforcement activity that may require quick access to the firearm and the badge is being worn and is clearly visible.

(c) All on duty officers may carry their authorized secondary weapon while on duty or off duty. Secondary weapons shall be concealed at all times except when the officer is engaged in an arrest or other law enforcement activity that may require quick access to the firearm and the badge is being worn and is clearly visible.

(d) All off duty officers may carry their issued, or authorized duty weapon or their authorized off duty weapon while off duty. Any weapon carried off duty shall be concealed at all times except when the officer is engaged in an arrest or other law enforcement activity that may require quick access to the firearm and the badge is being worn and is clearly visible.

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312.2.2 FIELDING OF WEAPONS

All sworn, on duty officers shall carry their duty weapon fully loaded with one round chambered. All on duty, uniformed officers shall carry on their person at all times two additional, fully loaded magazines.

(a) Department-issued less lethal launchers assigned to patrol personnel shall be carried in the following manner:

1. Locked in the vehicle shotgun rack
2. Magazine loaded to full capacity
3. Empty chamber
4. Hammer down
5. Safety in the "on" position.
6. The number on the less lethal launcher should match the number of the vehicle it is deployed in. Should a less lethal launcher require maintenance, a spare (designated with an "S") may be temporarily used in its place. Any less lethal launcher that is found in a vehicle other than it is assigned to should be immediately returned to the equipment room or its assigned vehicle.

(b) Department-issued Patrol Rifles assigned to patrol personnel shall be carried in the following manner:

1. Locked in the vehicle rifle rack
2. 30 round Magpul magazine loaded to full capacity
3. Empty chamber
4. Hammer down
5. Safety in the "on" position
6. The number on the patrol rifle should match the number of the vehicle it is deployed in. Should a patrol rifle require maintenance, a spare (designated with an "S") may be temporarily used in its place. Any patrol rifle that is found in a vehicle other than it is assigned to should be immediately returned to the equipment room or its assigned vehicle.

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

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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 DUTY FIREARMS

The authorized department-issued handgun is the Sig Sauer P-320.

312.3.2 PERSONALLY OWNED DUTY FIREARMS

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

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

(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, safe handling, and that the firearm functions properly.

(d) 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.

(e) Members are responsible for the purchase of the holster and magazine pouch to accomodate their personally owned duty firearm. The holster and magazine pouch must be in compliance with Department policy.

312.3.3 LESS LETHAL LAUNCHERS

The authorized department-issued less lethal launcher is the Remington 870.

When not deployed, the less lethal launcher shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

Members are no longer authorized to field shotguns or shotgun ammunition. With the exception of SWAT personnel conducting SWAT operations, members are prohibited from carrying shotguns and shotgun ammunition into the field.

312.3.4 PATROL RIFLES

The authorized department-issued patrol rifle is the Smith and Wesson M&P 15.

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

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

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

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

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

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

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed and the selector lever in the safe position.

312.3.5 PERSONALLY OWNED PATROL RILFES

The Department recognizes the advantage of personally owned rifles in the areas of familiarity, accuracy, proficiency and confidence. The Chief of Police authorizes the use of personally owned weapons as patrol rifles with the following restrictions:

1. Each rifle will be registered with the California Department of Justice as an assault weapon in accordance with current legal requirements.

2. The department issued Smith & Wesson M&P15 rifle is approved for personal officer purchase. All other makes or models must be approved the Range Master or their designee prior to being obtained for duty use. Officers shall not modify their rifle from factory specifications or deploy a rifle containing internal parts from different manufacturers. Weapons will be considered individually but must conform to the following basic requirements:

(a) AR-15 style center fire rifle

(b) Direct Gas Impingement only (no gas piston systems)

(c) Chambered in 5.56 only (not.223)

(d) Barrel length 16 inches minimum, 20 inches maximum

(e) Iron sights/mechanical sight system installed on the rifle

(f) 1:9, 1:8, or 1:7 rifle barrel twist.

3. Officers must successfully complete all department rifle trainings and qualifications with their personally owned rifle to remain authorized to deploy the weapon for duty use. All personally owned rifles will be inspected by range staff for serviceability and conformation to department standards during the annual rifle qualifications.

4. Accessories including stocks, grips, hand guards, rail systems, lights, optics, tactical charging handles, slings, etc., must be approved as a complete package with the rifle and listed on

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the personally owned weapons form. Accessory changes, upgrades, and/or additions will be considered by the Range Master during the annual rifle qualification and noted on the officer's records.

5. Only 30 round Magpul P-Mags or MagLevel magazines are approved for duty use. Any officer deploying a personally owned rifle must have at least two magazines fully loaded with Department approved ammunition. The Department will provide the first 60 rounds but additional ammunition must be purchased by the officer and must be the same round currently issued by the Department.

6. Personally owned rifles shall be stored in the trunk of department vehicles, marked or unmarked, in a locked rifle case. Department issued rifles shall remain in patrol car racks and are to be available for immediate use by an authorized officer. At no time will a personally owned rifle be placed in the rifle rack of a marked patrol vehicle.

7. Personally owned rifles must be transported to and from the Department in a locked rifle case and stored in an inconspicuous manner. Any officer who possesses a personally owned rifle for duty use must store it in a gun safe at home. The gun safe must be of metal theft resistant construction and have a keyed or combination locking mechanism capable of fully securing the rifle.

312.3.6 AUTHORIZED SECONDARY HANDGUN

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

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

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

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

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

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

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

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

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

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312.3.7 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 their 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 their 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 they are 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, they 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.

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

312.3.8 AMMUNITION

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

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

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.

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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.

Any repairs or modifications to the member's personally owned firearm shall be done at their expense and must be approved by the Rangemaster.

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.

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. 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.

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.

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

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

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

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

312.5.1 INSPECTION AND STORAGE

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

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

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).

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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, or has taken any drugs or medication, 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).

312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete annual training with their duty firearms. In addition to annual training, all members will qualify at least annually with their duty, off-duty, and secondary firearms. 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 such as 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 their 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

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

312.6.2 RESTRICTIONS ON CARRYING FIREARMS

Members authorized to carry firearms are restricted from such authorization under certain circumstances. The following are general guidelines for firearms restrictions:

(a) While on disciplinary or investigative suspension.

(b) While on leave without pay or any other period of unpaid absence. Exceptions may include leave taken after an officer involved shooting or any similar circumstances where there is not an allegation of criminal wrongdoing or a violation of policy.

(c) While in a condition resulting from the use of alcohol or medication, when the member's motor skills, reflexes, senses, or judgement are affected.

(d) When ordered by the Chief of Police or their authorized designee not to carry a firearm.

(e) When prohibited by law.

(f) When injuries prevent the safe handling of a firearm.

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 their 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 should file a written report with their Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, a written report should be submitted or recorded statement provided 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.

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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 Manager after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

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

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

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

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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 Chula Vista 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 Chula Vista Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer's travel. If approved, TSA will send the Chula Vista 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 their 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 their assigned seat.

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

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

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

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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 their Chula Vista 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.

312.11 RETENTION OF DEPARTMENT-ISSUED FIREARM FOLLOWING SEPARATION FROM SERVICE

Under certain circumstances, eligible personnel may retain or purchase their Department issued service weapon when they retire. Eligible personnel would be sworn personnel receiving a service retirement or a disability retirement while eligible for a service retirement upon separation. Personnel who are restricted at the time of their retirement from carrying a concealed weapon are not eligible for this benefit. The cost of the weapon is normally determined based on the trade in value for a replacement weapon. Guns converted from found property or evidence cannot be sold or retained. Employees seeking to retain their firearm should begin this process by obtaining a Retiring Officer's Request to Purchase Duty Weapon form from the Professional Standards Unit. To avoid complications, this process should be started several weeks prior to the retirement date. The purchasing officer is responsible for all costs related to the sale, processing and transfer of the weapon per current law. The Chief of Police or their authorized designee may refuse the sale of a Department-issued firearm to eligible personnel.

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Weapons Aboard Aircraft

313.1 PURPOSE AND SCOPE

The Federal Aviation Administration (FAA) and the Transportation Safety Administration (TSA) recognizes that law enforcement officers at times have a need to fly armed. FAA regulations allow an airline carrier to transport certain persons who are armed (14 CFR Part 108), but places conditions and restrictions on the carrier as well as the individual (14 CFR 108.11). For state and local law enforcement officers, these regulations provide some authority for officers to fly in an armed status in conjunction with a specific assignment.

The TSA has imposed rules governing law enforcement officers flying armed on commercial aircraft. These requirements apply to personnel who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.217). Sworn officers shall comply with all federal, state, local, air carrier, and department regulations when carrying or transporting firearms or other department approved weapons on commercial airlines.

313.2 FLYING WHILE ARMED

Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes. Flying to another city to attend court, conferences, training, legislative hearings or similar functions do **not** qualify as authorization to fly armed.

Officers may qualify to carry a firearm on board an aircraft:

(a) While providing a protective escort (which may include dignitary protection assigned to the principal persons, dignitary protection assigned to an advancement team, and witness protection);

(b) While conducting hazardous surveillance operations;

(c) While on official travel and required to report to a new location armed and immediately prepared for duty; or

(d) While returning from, escorting, or traveling to pick up a prisoner in accordance with FAR's 14 CFR Section 108.221.

313.2.1 PROCEDURES TO FLY WHILE ARMED

Any officer that is required to travel on a commercial aircraft and has an established need to fly armed should contact the Professional Standards Unit as soon as possible. The Professional Standards Unit will verify the necessity for flying armed via the Chain of Command. The Professional Standards Unit will also facilitate the following administrative steps required of the officer:

(a) The Chief of Police or his designee must approve all requests to fly while armed.

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(b) The officer must complete the mandated TSA security training, covering officers flying while armed. The training shall be given by the department appointed instructor, and is available from the Professional Standards Unit.

(c) When scheduling the flight, the officer should notify the airline carrier that they will be flying while armed. Some airline carriers have restrictions on boarding and seat assignments.

(d) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. It is important to prepare airline staff to accommodate law enforcement's special needs. It is recommended to notify the air carrier at least 24 hours in advance of the planned arrival to the airport facility. However this notification can be accomplished by early check-in at the carrier's check-in counter. In all cases the officer must arrive at least two hours prior to their scheduled departure time.

(e) Discretion must be used to avoid alarming citizens, passengers or crew by displaying a firearm. Officers must keep the firearm, and any associated equipment such as handcuffs, concealed on his/her person at all times.

(f) The Department must submit a National Law Enforcement Telecommunications System (NLETS) message at least 24-hours prior to travel. The NLETS message should be submitted to ORI VAFAM0199.

1. The officer should contact Professional Standards National a minimum of 24-hours prior to travel and assure the NLETS message was submitted.

2. Upon approval by TSA, a return NLETS message will be sent to the Department with a Unique Alphanumeric Identifier for verification at the airport on the day of travel.

3. The officer must obtain this Unique Alphanumeric Identifier and possess it on the day of travel.

(g) Upon checking-in with the airline ticket counter, the officer should identify him/herself and confirm that they are in possession of the Unique Alphanumeric number. The officer should receive the armed traveler paperwork provided by the airline and will be directed to the Armed LEO Screening Checkpoint.

(h) The officer must have in their possession their police identification card, badge, and supporting credentials. A badge without an identification card is not sufficient identification. A complete itinerary of the travel arrangements must be available and provided to the airline or at the Armed LEO Screening Checkpoint, along with their credentials and their Unique Alphanumeric Identifier. Officers should have enough copies available for connecting flights.

(i) The officer may be escorted to the boarding area or other sterile area. Once in a sterile area of the terminal or concourse, the officer should not exit the sterile area. Officers may be required to display appropriate identification and credentials again at

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the airport security pre-boarding inspection area. Local airport police may be asked to review and verify any information. Officers must comply with any request from airport police.

(j) Once on board, officers should ensure the flight captain and crew are aware of your status as an armed law enforcement officer. Officers should also inquire if there are other persons onboard who are also armed. Occasionally, law enforcement escorts or officials may be assigned to a same flight. All Federal Agents have exclusive authority to fly armed at any time. Additionally, undercover United States Air Marshals and the California Highway Patrol randomly board aircrafts for inspection and travel.

Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

Officers must keep the firearm concealed on his/her person at all times. Officers should not surrender their firearm to anyone, but should try to resolve any problems through the flight captain, ground security manager, or other management representative of the air carrier.

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

313.2.2 CHEMICAL AGENTS ABOARD AIRCRAFT

The FAA and TSA has strict regulations prohibiting the possession of pressurized chemical agents aboard an aircraft. Accordingly, no person including law enforcement officers may carry or transport mace, cap-stun, OC, or similar substances on the aircraft.

313.2.3 SAMPLE LETTER TO AIR CARRIER

To Whom it May Concern:

This is to certify that Officer(s) (Name), Identification (#), of the Chula Vista Police Department, will be flying to (Name of city and state), to pick up a prisoner and then return that prisoner to the City of Chula Vista, in San Diego County, California on (Date).

Officer(s) (Name) has completed the training course required by the Federal Aviation Administration regarding carrying firearms aboard an aircraft.

The safe completion of this duty will require Officer(s) (Name) to be armed with a handgun while in flight. On presentation of this letter, Officer(s) (Name) will inform you of the identity of the prisoner and whether he/she is considered low or high risk, as required by FAR's Part § 108.221.

I will appreciate any accommodation you can extend Officer(s) (Name).

Signed,

Chief of Police

313.3 ESCORTING A PRISONER ABOARD AIRCRAFT

Officers escorting or planning to escort a prisoner onboard an aircraft must abide by the following:

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(a) Officers must notify the air carrier in advance of the intended travel. It is important to prepare airline staff to accommodate law enforcement's special needs. It is recommended to notify the air carrier at least 24 hours in advance of the planned arrival to the airport facility. However this notification can be accomplished by early check-in at the carrier's check-in counter. In all cases officers must arrive at least two hours prior to their scheduled departure time. Officers should verify with appropriate airline representatives of all arriving gates and connecting flight arrangements with an escorted prisoner.

(b) The officers must have "direct control" and be able to physically restrain the prisoner at all times.

(c) A Ground Security Coordinator, Airline Station Manager, local airport police officer, or other airport official may need to verify the type and application of the restraint devices used on the escorted prisoner. Individual corporate policies may limit the level of restraint allowed by the air carrier and may vary from airline to airline. Officers should verify the type of handcuffs, belly chains, leg restraints, or other restraints that are acceptable to the airline. Officers should attempt to conceal the restraints on the prisoner to avoid curiosity or alarming other passengers.

(d) Expect the prisoner to be physically searched during pre-boarding inspection. Prisoners are generally not put through the magnetometer device and are usually physically searched.

(e) It is recommended that at least two officers accompany each prisoner. Officers will notify airport authority if the prisoner is considered high risk or an escape risk.

(f) Never leave the prisoner alone or out of your control. Prisoners must be closely escorted and watched during restroom breaks.

(g) The prisoner should be seated on the plane near the window or away from the aisle. Do not sit near any emergency exit door aboard the aircraft.

(h) Prisoners may use only plastic utensils for meals. Officers must be aware of the number of plastic knives, forks, spoons, and other hazardous objects the prisoner has utilized. Each item should be accounted for to prevent any potential concealment by prisoner.

(i) Once at the destination, the officers and prisoner shall remain seated until all other deplaning passengers have exited the aircraft.

(j) In the event of an extended layover, officers should ask the airline gate agent to call airport police for detention assistance if available.

Neither the prisoner nor the escorting officers shall be served or shall consume alcoholic beverages.

Officers are solely responsibility for the security of the prisoner.

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313.4 FIREARMS AND AMMUNITION IN CHECKED BAGGAGE

No person may transport a loaded firearm in checked baggage. Firearms may be carried as checked baggage, and MUST be unloaded, packed in a locked hard-sided container, and declared to the airline at check-in.

The TSA and individual airline corporations have strict regulations regulating the carriage of firearms and ammunition in checked baggage. Some of these regulations may differ. Any officer wishing to carry a firearm or ammunition in checked baggage should consult the TSA and the air carrier for specific regulations and instructions.

313.5 OFFICIAL ACTIONS ABOARD AIRCRAFT

Officers must remember that you have not been trained nor authorized by law to initiate official action aboard aircraft unless requested to do so. The crew is trained to deal with the problem and, in many cases, delay tactics are part of the plan. Officers should not take any official action while aboard aircraft unless requested to do so by a uniformed member of the flight crew. Resist the inclination to act independently.

In the event of an in-flight disturbance, officers may discreetly volunteer their assistance to a member of the flight crew.

If requested to assist or take official action, safety is the prime consideration. The discharging of a firearm should be viewed as a last resort. The discharge of a firearm has the potential risk of causing a fire, damage to the aircraft hydraulics or electric systems, damage to the engine and other flight control components, and possible injury to innocent persons.

313.6 DISPUTES WITH AIRPORT OR CARRIER OFFICIALS

If a disagreement arises with regard to an officer's authority to carry a firearm aboard the aircraft which cannot be resolved with the airline crew, the law enforcement officer should follow the immediate instructions of the crew. If necessary, deplane and thereafter:

(a) Request to speak with a supervisory airline official other than a crew member. In most cases, the Ground Security Coordinator is the appropriate person.

(b) Inform your supervisor as soon as practical.

(c) If the situation was not resolved satisfactorily, submit a memorandum detailing the incident to the Chief of Police via your chain of command.

The Department may forward the issue to the FAA at the following address:

Federal Aviation Administration

ACP-100

800 Independence Avenue

Washington, DC 20591

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Vehicle Pursuits

314.1 PURPOSE AND SCOPE

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

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

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

314.1.1 VEHICLE PURSUIT DEFINED

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

314.1.2 BACKGROUND

A police vehicle pursuit exposes the public, officers, and fleeing violators to the potential risk of death, serious injury, or damage to personal property. Officers may be subject to administrative action for negligent emergency vehicle operation and the entity may be found liable in civil actions. If the emergency vehicle operation rises to the level of criminal negligence, an officer may be subject to criminal prosecution.

When engaged in a pursuit, officers should weigh the seriousness of the violator’s suspected crime against the potential for death or injury if the pursuit is continued. Frequently, discontinuance of a pursuit in the interest of public safety is most appropriate.

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Officers should not assume that all persons who flee from the police and refuse to yield are serious criminal suspects. Experience has shown that many pursuits involve non-violent crimes or traffic violations.

In a pursuit, the violator frequently refuses to give up and the officer feels an obligation to succeed in the pursuit. This psychological and physiological factors can play a large part in the safe apprehension of the suspect. The suspect may not immediately comply with the commands and peace officers may be over stressed. Peace Officers can avoid problems by making a conscious effort to stay calm, or by taking over for another peace officer who is over stressed or discontinuing the pursuit.

The Law Enforcement Assistance Network (LEAN) Mutual Aid Radio Communications Protocol is a document describing procedures and channels/frequencies that should be utilized during a pursuit. The LEAN Mutual Aid Radio Communications Protocol is an addendum to this pursuit protocol.

314.1.3 LEGAL REQUIREMENTS

A public entity is liable for death, injury, or damage proximately caused by negligent or wrongful act or omission in operation of a motor vehicle by an employee acting within the scope of employment. (17001 CVC)

A public entity is liable for death or injury to person or property to the same extent as a private person. (17002 CVC)

A public employee is not liable for civil damages resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call. (17004 CVC)

A public agency is immune from liability from injury, death, or damage caused by the collision of a vehicle being operated by an actual or suspected law violator being pursued by peace officers, employed by a public entity if the agency adopts a written policy on vehicle pursuits that meets listed minimum standards. (17004.7(c) CVC)

The driver of an authorized emergency vehicle is exempt from the “rules of the road” provided that the red light and siren (defined as “yelp” or “wail” only) of the vehicle are activated. (21055 CVC)

The “rules of the road” exemption does not relieve the driver from the duty to drive with due regard for the safety of all persons using the highway, nor does it protect him/her from the consequences of an arbitrary exercise of the privileges granted in that section. (21056 CVC)

Upon the approach of an authorized emergency vehicle that is sounding a siren and has at least one lighted lamp exhibiting red light, the surrounding traffic shall yield to the emergency vehicle. (21806 CVC)

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The provisions of Section 21806 shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with DUE REGARD FOR SAFETY of all persons and property. The officer should not assume that the right-of-way will be yielded. (21807 CVC)

314.2 OFFICER RESPONSIBILITIES

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

314.2.1 WHEN TO INITIATE A PURSUIT

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

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

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

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

(f) Pursuing 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.

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

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(k) Availability of other resources such as helicopter assistance.

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

314.2.2 CONTINUATION OF A PURSUIT

A pursuit requires constant evaluation. Each officer and supervisor involved in a pursuit should carefully and continuously consider the initiating factors in determining continuance of the pursuit.

314.2.3 WHEN TO TERMINATE A PURSUIT

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

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

In addition to the factors listed in When to Initiate a Pursuit of this policy, the following factors should also be considered in deciding whether to terminate a pursuit:

(a) Distance between the pursuing officers 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) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) Extended pursuits of violators for misdemeanors not involving violence or risk of serious harm (independent of the pursuit) are discouraged.

(e) There are hazards to uninvolved bystanders or motorists.

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

(g) Pursuit is terminated by a supervisor.

314.2.4 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 shall take into consideration public safety, officer safety

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation

314.3 PURSUIT UNITS

Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number of units involved will vary with the circumstances. An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the 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.

314.3.1 PRIMARY UNIT RESPONSIBILITIES

The Primary Pursuit Unit is generally the vehicle closest to the suspect vehicle.

The Primary Pursuit Unit should remain so until that status is relinquished to another unit either by the Primary Pursuit Unit or as directed by a supervisor.

Responsibilities:

(a) Upon initiating a pursuit, the Primary Pursuit Unit shall immediately notify the dispatcher that a pursuit is in progress, giving:

1. Location;
2. Direction and speed oof travel;
3. Reason for pursuit;
4. Description and license plate number of the suspect vehicle;
5. Number of occupants; (If known)
6. Identity of occupants; (If known)
7. Any other factors necessary to ensure safe and effective pursuit tactics.

(b) During a pursuit, the Primary Pursuit Unit shall continually provide Dispatch with all the changes to the above, and any other pertinent information until the Secondary Unit takes over “calling the pursuit”.

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314.3.2 SECONDARY UNITS RESPONSIBILITIES

The Secondary Unit is the unit responsible for backup and immediate cover for the Primary Pursuit Unit.

Responsibilities:

(a) The Secondary Unit, if not assigned, shall notify Communications immediately.

(b) The Secondary Unit shall be prepared to take over primary responsibility for the pursuit if the Primary Pursuit Unit becomes disabled or if requested to do so by the Primary Pursuit Unit.

(c) The Secondary Unit involved in a pursuit, under most circumstances, should take over “calling the pursuit”.

(d) Provide all changes to information about the pursuit, and any additional information available.

314.3.3 PURSUIT DRIVING TACTICS

The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) 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 caution when proceeding through controlled intersections.

(c) Officers shall not drive a vehicle left of center (wrong way) on a freeway. In the event that the pursued vehicle does so, the following tactics should be considered:

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

(d) Notifying the California Highway Patrol (CHP) and/or other jurisdictional 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.

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314.3.4 ADDITIONAL UNITS
Officers in all other units shall:

(a) Remain alert to the pursuit progress and location;

(b) Stay out of the pursuit, unless specifically requested to join by the Primary Pursuit Unit or supervisor;

(c) Minimize radio transmissions on the frequency being used for the pursuit;

(d) Move to an alternate channel/frequency as directed.

314.3.5 MOTORCYCLE OFFICERS
Relinquish the primary position to the first marked four-wheel vehicle.

Disengage the secondary position when the second marked four-wheel vehicle joins the pursuit.

314.3.6 UNMARKED UNITS
Unmarked units, without emergency equipment, shall not join in a pursuit.

Officers in unmarked vehicles may become involved in emergency activities involving serious crimes or life endangering situations. In those instances, it may be necessary to follow a suspect vehicle while summoning assistance from a marked vehicle with emergency equipment.

When officers in an unmarked vehicle become aware that a marked unit has arrived, the unmarked unit will disengage.

314.3.7 AIRCRAFT ASSISTANCE
Units involved in pursuits should request air support assistance.

Aircraft can provide valuable information to ground units concerning upcoming traffic congestion, hazards, or other factors which might endanger the safety of the officer(s) or the public.

Once a law enforcement aircraft overtakes the pursued vehicle, the aircraft becomes an assisting unit responsible for broadcasting on-going radio updates on the route of travel.

Once the aircraft is in position, the supervisor, in the interest of safety, shall evaluate the tactical involvement of ground units in the pursuit. In some cases, it may be prudent to discontinue the ground pursuit and track the suspect vehicle with law enforcement aircraft until the vehicle goes stationary. Once the suspect vehicle has discontinued fleeing, the law enforcement air crew can direct ground units into positions to establish a perimeter and assist with apprehension of outstanding suspects on foot.

314.4 SUPERVISORY RESPONSIBILITIES
Upon notification of a pursuit in progress, the field supervisor and/or Watch Commander assumes the responsibility to monitor and take appropriate action for pursuit control.

All sworn supervisors and the Watch Commander have the authority to order a pursuit discontinued when, in their judgment, the potential safety risks outweigh the need for apprehension.

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The supervisor shall ensure that no more units than necessary are involved. The Primary Pursuit Unit and the Secondary Unit are generally sufficient for the actual pursuit. Assisting Units may be added for safety and security, with the supervisor's approval.

The supervisor shall consider the following in deciding to add units:

(a) The type of vehicle being pursued;

(b) The seriousness of the offense; and

(c) The danger that the occupants of the vehicle being pursued pose to others.

When more than two units are permitted to participate in a pursuit, the supervisor shall as soon as reasonably possible, direct the additional units to discontinue the pursuit.

The supervisor shall make continual assessment during the progress of a pursuit. Factors to be considered include weather, vehicle and pedestrian traffic levels, roadway and environmental conditions, juveniles occupy the suspect vehicle, the suspect has been identified to the point that later apprehension can be accomplished, and pursuit speed considerations.

The supervisor shall ensure that affected allied agencies are notified of the pursuit and specific assistance requested, including canine and air support.

The supervisor or designee shall, as necessary, contact pursuing officers at the location of the pursuit termination to provide on-scene supervision, coordination, and evaluation.

The supervisor shall ensure vehicle pursuits are reported to the California Highway Patrol on an approved form (CHP 187A), as mandated by Section 14602.1 of the California Vehicle Code. Each pursuit shall be evaluated for compliance with all codes and policies and appropriate action initiated.

314.5 COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified that a pursuit is in progress, Dispatch shall:

(a) Ensure that a Supervisor is assigned to the pursuit;

(b) Notify appropriate law enforcement agencies of the pursuit, specify if assistance is needed, and specific support requested;

During the pursuit, Dispatch shall:

(a) Monitor all radio traffic concerning the pursuit;

(b) Move all other radio traffic to an alternative channel/frequency, if necessary;

(c) If a Canine Unit is involved in the pursuit, the radio dispatcher shall broadcast that information for officer safety purposes.

(d) Ensure that the proper channels/frequencies are utilized, in compliance with the Law Enforcement Assistance Network (LEAN) protocols. Those dispatch centers unable to fully comply with the LEAN protocols due to equipment limitations may disregard those protocols with which they are unable to comply.

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314.6 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether 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 PURSUITS APPROACHING THE INTERNATIONAL BORDER

Under no circumstances will pursuing units cross the International Border.

Pursuit units should not be any closer than fifty (50) feet of the International Border gates.

Due to traffic conditions and physical barriers that exist between traffic lanes near the San Ysidro Port of Entry, pursuits where the fleeing vehicle is wanted for minor, non-violent violations should be discontinued a minimum of one mile prior to the International Border, at supervisory discretion.

In those pursuits where the fleeing vehicle is wanted for violent and/or atrocious felonies, involved agencies shall use mutually agreed upon tactics as a basis for apprehension when the pursued vehicle reaches the international border.

In order to give warning to Mexican authorities and to provide them an increased degree of safety, US Customs and the San Diego Police Department will be advised by the involved agency of any pursuit heading southbound south of Interstate 8. They in turn, will advise the Mexican authorities. This shall occur whether or not the pursuit is discontinued. Every effort should be made to update Customs and the San Diego Police Department when a pursuit is terminated prior to the International Border.

In the event the pursuit is terminated prior to the International Border, Mexican authorities shall be advised by US Customs and San Diego Police Department.

314.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the police unit into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practicable.

314.8.1 WHEN USE IS AUTHORIZED

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

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

314.8.2 USE OF FIREARMS
Shooting at or from a moving vehicle is prohibited, except when immediately necessary to protect persons from death or serious bodily injury.

314.8.3 INTERVENTION STANDARDS
Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of deadly force and subject to the requirements for such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

    1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

    2. All other reasonable intervention techniques have failed or reasonably appear ineffective.

    3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.

    4. The target vehicle is stopped or traveling at a low speed.

    5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

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1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

314.8.4 DEPLOYMENT OF SPIKE STRIPS

The use of spike strips is restricted to personnel who have successfully completed a training course in their use. A supervisor must authorize the use of spike strips prior to being deployed.

Communication with all units involved in the pursuit is essential and the spike strips should not be deployed unless their use has been broadcast and all involved units have acknowledged their use. Outside agencies involved in the pursuit should also be notified prior to the deployment of the spike strips. The officer deploying the spike strip should not attempt to overtake and pass a high-speed pursuit in order to position the spike strip. The location for deploying the spike strips should provide reasonably good sight distance to enable the officers deploying the device to observe the pursuit and other traffic as it approaches.

The deploying officer should select a location that is in an open, uncongested area and is free of obstructions, traffic, or other hazards. The location should be far enough ahead of the pursuit to

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allow enough time for the deploying officers to adequately prepare and safely deploy the device. Spike strips should not be used in locations where the geographic or roadway configurations increase the risk of injury to the suspect or other persons. These areas may include, but are not necessarily limited to, curved roadways, steep embankments, congested areas, construction zones, areas where the roadway is under repair or the safety of other traffic cannot be reasonably assured.

Upon deploying the spike strip in the roadway, deploying personnel should immediately move to a position of safety.

After deployment the deploying officer should notify the Watch Commander so the spike strip can be repaired or replaced.

314.9 INTER-AGENCY PURSUITS

The guidelines formulated for inter-agency pursuits are designed to provide for the safe coordination of pursuits involving more that one agency. Agencies requested to assist, or receive the transfer of, a pursuit from another agency will continue to balance the interests of public safety in determining whether or not to provide the requested assistance or receive the transfer.

(a) Notification

1. When a pursuit is approaching or entering another jurisdiction, the agency with primary responsibility for the pursuit shall notify the appropriate agency for that jurisdiction. This shall be accomplished utilizing one of the various radio talkgroups as defined by LEAN protocols (LE NCMD, LE SCMD, LE ECMD, BLUE1).
2. At the first practical moment, the controlling agency will patch and announce the pursuit over the appropriate radio talkgroup (LE NCMD, LE SCMD, LE ECMD, BLUE1). This announcement shall be as follows (or verbiage with the same meaning):
   (a) “This is (agency) on (talkgroup) patching a pursuit that is (location)."
   (b) This notification will not be construed as a request for assistance. The purpose of this announcement is to notify allied agencies of the pursuit so that they may monitor its progress.
   (c) “At this time, (agency) is not (or, is) requesting assistance.”
   (d) If a request for assistance is broadcasted, the originating agency should attempt to be specific as to the type of assistance required (i.e. the involvement of a K9 unit, deployment of spike trips, etc.).
3. If a transfer of the pursuit is to be requested, the originating agency shall broadcast: “This is (originating agency) to (transferring agency). We are requesting that you take over the pursuit.”

(b) When the initial broadcast is made, Communications will transmit to allied agencies the following information:

1. Direction of travel, location, and speed;

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2. Vehicle and suspect description;
3. Officer safety considerations;
4. Type of crime;
5. Number or occupants:
6. Number of units involved;
7. Unit designator of Supervisor involved;
8. Radio frequency(s) being used;
9. Air support being used/or requested;
10. Unit designator of officer(s) involved.

(c) The Primary Pursuit Unit, or Pursuit Supervisor, should specify if assistance is needed and the type of assistance requested.

1. The allied agency(s) will assist the initiating agency only by specific request and will provide only the specific services requested.
2. On all requests for assistance or transfer, the agency receiving the request shall identify the supervisor accepting or declining the request.

(d) Communications

1. Communication operators should clarify any requests for assistance with the requesting agency and obtain pertinent information as previously listed.
2. Communications shall notify a sworn supervisor of the request and receive direction for the degree of involvement provided to the requesting agency.
3. In addition to a formal request by an allied agency, officers may be summoned by hand/arm gestures and/or verbal requests.
4. If officers respond to these types of requests, the officer shall immediately notify Communications and the supervisor.
5. During pursuits involving allied agencies, communication centers shall provide coordination between pursuing units and allied agencies including:
   (a) Continuously monitor progress of the pursuit, transmitting pertinent information and updates;
   (b) Coordinate radio communication on the appropriate mutual aid frequency in compliance with the LEAN Mutual Aid Communications protocols.
   (c) Relay information via telephone if radio communications from car to car fail.

(e) Procedures

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1. Units shall not join in an active pursuit unless specifically requested and then only with the approval of a supervisor or as authorized by Communications.
2. Once a pursuit has been initiated, the initiating agency will generally retain jurisdiction and control of the pursuit, even when the pursuit enters another jurisdiction.
3. When entering another law enforcement jurisdiction (including military installations), the pursuit shall be discontinued immediately when a supervisor of that agency recognizes a condition that constitutes an immediate and life threatening danger to the officers or public and orders discontinuance.
4. The California Highway Patrol (CHP) may respond to a specific request for assistance on pursuits conducted on the freeway system. Once in place, the CHP will assume control of the pursuit until they relinquish it. When CHP has control of the pursuit, all other units not needed will discontinue their involvement.
5. When entering another agency's jurisdiction, the Primary Pursuit Unit or the pursuit supervisor should determine if the allied agency should be requested to assume the pursuit.
6. An allied agency, which accepts responsibility for the pursuit, may elect to proceed with or discontinue the pursuit.
7. The officer with initial probable cause and/or that officer's supervisor should trail the pursuit at a reduced speed.
8. Pursuits should be managed by one Communications Center only. That Communications Center should create the appropriate radio patches with mutual aid channels/frequencies (in compliance with the LEAN protocols) to allow allied agencies to assist as requested, or monitor for their safety.
9. Allied agencies' units involved in the pursuit should switch to the appropriate mutual aid channel and should communicate with the managing Communications Center, in compliance with the LEAN protocols.

(f) Military Police Pursuits On / Off Military Installations

1. Pursuits onto Military Installations: It is the current policy of Navy and Marine Corps installations in San Diego County to allow marked local, county, state and/or federal law enforcement vehicles to continue pursuits of any suspect that flees onto a military installation. Once on a military installation the Military Police units will assume the primary pursuit positions and take control of the pursuit.
2. Use Caution: Navy and Marine Corps Installations in San Diego County may or will shortly have installed one of the following systems at almost every gate.It is the policy of all installations to stop any threat at the gate entrance to the military installation rather than allow the threat

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onto the installation. The standard training given to the MP's/Guards at the entrance gate is to deploy the barrier arresting system in front of any unidentified vehicle that attempts to run through a sentry position without stopping. Officers should exercise caution when following a suspect into any military installation. Officers should also be prepared to immediately stop at the MP/Guard position as these devices are designed to immediately stop any vehicle. The devices may cause extensive damage to a vehicle and possibly serious injuries to any occupants.In cases where barriers are not installed and/or not properly deployed, the pursuing local, county, state and/or federal law enforcement units can continue the pursuit into the military installation. However, if an arrest is made on a military installation by local, county and/ or state agencies, the transfer of custody may require an arrest warrant to gain physical custody of the suspect(s). Arresting officers shall coordinate custody issues with the on-site military police/Provost Marshal's Office.

3. Military Police Pursuits off of an Installation: It is the current policy of the Navy and Marine Corps installations in San Diego County to pursue vehicles involved in major felony cases off of the military installations. In any case where the Military Police initiates a pursuit that leaves a military installation, the Military Police can only remain actively involved in a pursuit until a minimum of two marked local, county and/or state law enforcement vehicles join the pursuit; then they must discontinue the pursuit and turn it over to the local, county, state and/or federal enforcement agency.

(g) Transfer

1. There is no legal requirement for an agency to assume a pursuit. A supervisor may determine it is in the best interest of public safety and/ or the agency to refuse acceptance. Once responsibility is assumed, the pursuit may be discontinued by the assuming agency at any time.

2. The supervisor of the assuming agency should notify the initiating agency in the most expedient fashion that control has been assumed.

3. Responsibility for a pursuit transfers when:

   (a) the pursuing agency requests the transfer, and

   (b) a supervisor of the assuming agency agrees to accept the pursuit, and

   (c) a unit of the assuming agency becomes the Primary Pursuit Unit.

4. An agency accepting transfer and assuming the Primary Pursuit Unit position should have sufficient resources to control the pursuit.

(h) End of Pursuit

1. Responsibilities of the stopping agency:

   (a) Notify all involved agencies that the pursuit has ended, its location, and supervisor to contact.

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(b) Provide a supervisor at the location(s) where the pursuit ends for coordination with other agencies.

2. Responsibilities of Other Involved Agencies

(a) The agency of the officer who initiated the pursuit shall ensure that the officer with probable cause (or that officer's supervisor) contacts the stopping agency's supervisor to provide assistance.

(b) All agencies with information, witnesses, or criminal charges related to the pursuit shall contact the stopping agency.

(c) All agencies involved in the pursuit shall provide supplementary reports as requested by the stopping agency (or booking agency, if different).

3. Prisoner Processing

(a) In the absence of any other argument, the suspect(s) from the pursuit shall be turned over to the custody of the agency, which has the most significant charges.

(b) Absent of more significant charges by another agency, custody and booking of the suspect(s) shall be the responsibility of the agency initiating the pursuit.

(c) The agency assuming custody shall be responsible for processing, booking and all related reports.

(d) Arrests made on Military Installations require Local law enforcement agencies to liaison with Military and Federal law enforcement in order to transfer custody of a arrestee from Federal Custody.

4. Traffic Collision Investigation

(a) The investigation of a traffic collision resulting from the pursuit shall be the responsibility of the agency within whose jurisdiction the collision occurred.

(b) The agency with jurisdiction over the collision scene will be the only agency to file the official collision report of record with the State of California. Involved agencies may conduct a concurrent, administrative investigation, as needed, to meet agency specific needs for internal review.

5. Crime Report Responsibility

(a) Unless otherwise agreed to by the participating agencies, it shall be presumed that the agency with jurisdiction is responsible for the completion of a crime report associated with the pursuit.

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314.10 PURSUIT REPORT REQUIREMENTS

California Vehicle Code Section 14602.1 requires that all police pursuits be reported on the California Highway Patrol Pursuit Report (CHP 187A). The form shall be prepared on pursuits initiated or assumed by officers of each involved department.

The Field Supervisor shall include a factual evaluation concerning compliance with the Department's pursuit policy. Violations shall be identified and listed in the report narrative.

It is recommended that Department pursuits be tallied chronologically and separated into categories for further analysis. The purpose is to identify specific problem areas which include, but are not limited to the following items:

(a) Policy violations;

(b) Training needs;

(c) Equipment issues;

(d) Pursuit-related collisions;

(e) Officer safety concerns/tactical methodology;

(f) Policy or legislative concerns.

All Agencies shall comply with the requirements of SB 719.

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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.

316.1.1 STATUTORY CONSIDERATIONS

State and federal statutes and case laws compel considerations, limitations and restrictions on the operation of emergency vehicles. Some of these statutes include:

California Vehicle Code § 21052 - All employees, except as authorized by California Vehicle Code § 21055, are required to operate their vehicles in accordance with all state laws.

California Vehicle Code § 21055 - Provides that the driver of an authorized emergency vehicle is exempt from Division 11, Chapters 2 through 10 and Division 16.5, Chapter 5, Articles 3 and 4, of the Vehicle Code (commonly known as the "rules of the road"). This limited exemption is only in effect when the following conditions are met:

(a) The vehicle is being driven in response to an emergency call, or while engaged in rescue operations, or is being used in the immediate pursuit of an actual or suspected violator of the law.

(b) Drivers of emergency vehicles shall sound a siren AS MAY BE REASONABLY NECESSARY and display a lighted red lamp visible from the front.

California Vehicle Code § 21056 - States that the exemption of California Vehicle Code § 21055 does not relieve the driver of an emergency vehicle from the duty to DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS using the highway nor protect him from the consequences of an arbitrary exercise of the privileges granted in this section. **The effect of this statute is to establish that emergency vehicle operators are NOT protected when their unreasonable or negligent acts of driving imperil others. Officers may be held liable in criminal or civil actions for deaths, injuries or damages caused by negligent emergency vehicle operation.**

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.

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316.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

316.3.1 NUMBER OF UNITS ASSIGNED

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

316.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify the Communications Center. Generally, only one unit should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, the Communications Center shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code-3 is appropriate.

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 the Communications Center. An officer shall also discontinue the Code-3 response when directed by a supervisor.

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

316.6 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

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authorization from the Watch Commander or a field supervisor prior to assigning units Code-3 . The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Watch Commander

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment, the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

It is the supervisor's responsibility to terminate a Code-3 response that, in his/her judgment is inappropriate due to the circumstances.

When making the decision to authorize a Code-3 response, the Watch Commander or the field supervisor should consider the following:

- The type of call
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units

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

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Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

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Canines

318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

318.1.1 PROPERTY RIGHTS

Police canines are the sole property of the Department and are assigned to the handlers for the duration of their assignment or at the discretion of the Chief of Police or his/her designee.

318.1.2 RESPONSIBILITIES NON-HANDLERS

Personnel should not attempt to pet or interact with a police service dog unless the handler is present and aware of your intentions. Non-handlers shall not attempt to interact with a police service dog that is in a vehicle, which is not attended by the handler. Department personnel are prohibited from teasing, agitating or abusing police service dogs. Department personnel are prohibited from working, training or handling police service dogs without prior approval from the Canine Program Coordinator.

When a canine team is being utilized, non-handlers should follow the directions of the handler when working around the dog.

In the event that a Canine Handler is injured and unable to command his/her dog, there is a high probability that the dog may aggressively guard the handler. Non-handler officers shall consider the following when evaluating their response to the situation:

(a) Request the assistance of another canine handler or supervisor immediately.

(b) DO NOT rush in on the handler or dog.

(c) Call to the handler. If possible, the handler will attempt to call the dog off.

(d) If the handler is unable to assist, move the handler's car or a patrol car to a position as close as possible to the handler and canine.

1. Park the vehicle with the left side facing the canine and open the left rear door.
2. In an authoritative voice, call to the dog giving the command "Car". Most trained police canines will readily comply with the command.
3. Close the door after the canine has entered the vehicle.
4. Do not attempt to enter or operate the vehicle after the canine has been secured inside.
5. After the canine is secured, another handler or canine supervisor will transport him to the injured handler's home, the canine facility, or to the home of another handler.

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(e) In extremely exigent circumstances where the handler's injuries appear life threatening, or when necessary to prevent further injury to the handler, the canine may be destroyed.

(f) Under no circumstances should the canine be allowed to wander away from the scene unsupervised, presenting a danger to other responding emergency personnel or the public.

318.2 POLICY

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

318.2.1 TREATMENT OF CANINE BITES OR INJURIES

Officers shall use their experience and judgment to determine whether, given the medical condition of the bitten or injured person, it is more appropriate to call paramedics to the scene for immediate medical attention as an alternative to transporting the subject to the emergency room. In all cases where a person has sustained visible injury or has been rendered unconscious, the officer shall provide medical assistance. The officer shall assure the person is transported to an authorized medical facility for treatment and to obtain a medical release prior to booking or release.

Officers shall not solely accept a verbal refusal for medical attention from any person that has sustained a visible injury or has been rendered unconscious. The officer should transport the person to a medical facility, and allow medical personnel to determine the appropriate need for medical attention.

If any individual refuses medical attention and a supervisor is not present, one will be notified immediately of the circumstances. A refusal shall be fully documented in related reports and, whenever practical, should be witnessed by another officer and/or medical personnel. If an audio recording is made of contact or an interview with the individual, any refusal should be included, if possible.

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

318.3 ASSIGNMENT

Canine teams should be assigned to assist and supplement the Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Watch Commander to other functions, such as routine calls for service, based on the current operational needs.

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

318.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Operations Division or the authorized designee.

The responsibilities of the coordinator include but are not limited to:

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

318.5 REQUESTS FOR CANINE TEAMS

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

318.5.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the Watch Commander and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) Calling out off-duty canine teams is discouraged.

(d) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(e) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

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318.5.2 PUBLIC DEMONSTRATION
All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

318.5.3 COLLATERAL DUTIES
Due to the unique requirements and demands upon a canine handler, the handler shall not apply or engage in any collateral duty assignments without the approval of the Canine Unit Coordinator.

318.5.4 REPORTING REQUIREMENTS
Canine handlers shall complete all Canine Use Reports and other reports in a timely manner in accordance with this policy and as directed by a supervisor, Watch Commander, or the Canine Unit Coordinator or Manager.

318.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

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

318.6.1 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

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

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

318.6.2 WARNINGS AND ANNOUNCEMENTS

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

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318.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on- or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current department evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements. However, the canine shall be made available for examination at any reasonable time if requested by the local health department. The canine handler shall also notify the local health department if the canine exhibits any abnormal behavior after a bite (Health and Safety Code § 121685).

318.7 NON-APPREHENSION GUIDELINES

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine's suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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318.7.1 ARTICLE DETECTION
A canine trained to find objects or property related to a person or crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

318.7.2 NARCOTICS DETECTION
A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

(a) The search of vehicles, buildings, bags and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

318.7.3 BOMB/EXPLOSIVE DETECTION
Because of the high risk of danger to the public and officers when a bomb or other explosive device is suspected, the use of a canine team trained in explosive detection may be considered. When available, an explosive-detection canine team may be used in accordance with current law and under certain circumstances, including:

(a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

318.8 HANDLER RESPONSIBILITIES
The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

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(a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.

(b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.

(c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.

(d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Chula Vista Police Department facility.

(e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.

(g) When off-duty, the canine shall be in a kennel provided by the City at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.

(h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.

(i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator and receive approval so that appropriate arrangements can be made prior to relocating the canine.

318.8.1 CANINE IN PUBLIC AREAS

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows or window barriers such as bars or screens and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

318.9 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

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(a) An officer who is currently off probation.

(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).

(c) A garage that can be secured and can accommodate a canine vehicle.

(d) Living within 30 minutes travel time from the Chula Vista City limits.

(e) Agreeing to be assigned to the position for a minimum of three years.

318.10 CANINE INJURY AND MEDICAL CARE

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handler's personnel file.

318.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

318.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to a current POST, CNCA, or other recognized and approved certification standards on an annual basis. Additional training considerations are as follows:

(a) Canine teams should receive training as defined in the current contract with the Chula Vista Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

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318.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

318.11.3 TRAINING RECORDS

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

318.11.4 TRAINING AIDS

Training aids are required to effectively train and maintain the skills of canines. Officers possessing, using or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Chula Vista Police Department may work with outside trainers with the applicable licenses or permits.

318.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws (Health & Safety Code § 11367.5; 21 USC § 823(f)).

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Chula Vista Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

318.11.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

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(d) All controlled substance training samples will be inspected, weighed and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

318.11.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store, or use explosives or destructive devices in compliance with state and federal laws (Penal Code § 18800; 18 USC § 842; 27 CFR 555.41).

Explosive training aids designed specifically for canine teams should be used whenever feasible. Due to the safety concerns in the handling and transportation of explosives, inert or non-hazardous training aids should be employed whenever feasible. The use of explosives or destructive devices for training aids by canine teams is subject to the following:

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

318.12 ASSIGNED CANINE VEHICLES

Members assigned to a canine team will be issued a Department canine vehicle for the use of transporting the canine and deploying the canine during patrol operations. If the issued canine

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vehicle should go out-of -service, a spare canine vehicle will be provided if available. At no time should a non-canine vehicle be used without the prior approval of the canine coordinator or on-duty Watch Commander.

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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:

The Chula Vista Police Department "Domestic Violence" policy is drafted in compliance with guidelines established and approved by the CommissiononPeaceOfficerStandardsand Training. The following definitions are provided byPenal Code § 13700:

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

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

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

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

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

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

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

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**.**

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320.2 POLICY

The Chula Vista 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.

320.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(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 CID 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

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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. Marital status of suspect and victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. 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.
12. The social status, community status, or professional position of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

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

320.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

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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 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.

(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 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.

320.6.1 DOMESTIC VIOLENCE RESPONSE TEAM

The Department maintains a partnership with South Bay Community Services (SBCS) to provide follow-up services to violence victims and families in domestic violence situations, and immediate services when a victim needs emergency shelter.

The Domestic Violence Response Team (DVRT) may be activated for any occurrence of domestic violence, sexual assault or stalking where there is an immediate need for the victim to be placed in a shelter. These cases often involve circumstances where the victim is at risk of ongoing abuse

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which appears likely to result in serious injury or death to the victim or children living in the home. Officers should notify DVRT as soon as possible. DVRT may be notified by contacting the on-call representative, or through the Communications Center. Officers should be prepared to provide DVRT with the victim's name, telephone number, current location, and language. Officers should also know the suspect's location and, if applicable, the name of any other community responders (such as a member of the Citizen Adversity Support Team).

In any situation where a suspected offender is present at the scene but is not arrested, or has fled the scene and whose whereabouts are unknown, the officer should remain at the location as long as the DVRT advocate is responding or is present. In the event another call for service requires the officer to leave the location, the officer should immediately notify DVRT that they are being called elsewhere.

320.7 FOREIGN COURT ORDERS

Various types of orders may be issued in domestic violence cases. Any foreign court order properly issued by a court of another state, Indian tribe, or territory shall be enforced by officers as if it were the order of a court in this state. An order should be considered properly issued when it reasonably appears that the issuing court has jurisdiction over the parties and reasonable notice and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265). An otherwise valid out-of-state court or foreign order shall be enforced, regardless of whether the order has been properly registered with this state (Family Code § 6403).

Canadian domestic violence protection orders shall also be enforced in the same manner as if issued in this state (Family Code § 6452).

320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

  1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

  1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

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(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 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender's child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
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,

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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).

320.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located and shall provide the person protected or the person's parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)).

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

320.9.3 PUBLIC ACCESS TO POLICY

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

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320.9.4 REPORTS AND RECORDS

(a) A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm, 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)).

320.9.5 RECORD-KEEPING AND DATA COLLECTION

This department shall maintain records of court orders related to domestic violence and the service status of each (Penal Code § 13710), as well as records on the number of domestic violence related calls reported to the department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation (Penal Code § 13730). This information is to be reported to the Attorney General monthly. It shall be the responsibility of the Records Manager to maintain and report this information as required.

320.9.6 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee’s appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

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Search and Seizure

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 Chula Vista Police Department personnel to consider when dealing with search and seizure issues.

322.2 POLICY

It is the policy of the Chula Vista 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.

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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.

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Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

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

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

324.1.1 DEFINITIONS

Definitions related to this policy include:

Juvenile non-offender - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

Juvenile offender - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

Non-secure custody - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

Safety checks - Direct, visual observation personally by a member of this department performed at random intervals within time frames prescribed in this policy to provide for the health and welfare of juveniles in temporary custody.

Secure custody - When a juvenile offender is held in a locked room, a set of rooms, or a cell. Secure custody also includes being physically secured to a stationary object (15 CCR 1146).

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

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

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(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

Sight and sound separation - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

Status offender - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

324.2 POLICY

The Chula Vista Police Department is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Chula Vista Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

324.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation (15 CCR 1142; 15 CCR 1151).

These juveniles should not be held at the Chula Vista Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

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If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

324.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Watch Commander shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

324.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY
Department members should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Chula Vista Police Department when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile that is suspected of being a victim.

No juvenile should be held in temporary custody at the Chula Vista Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable and in no event shall a juvenile be held beyond six hours from the time of his/her entry into the Chula Vista Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1).

324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS
Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Chula Vista Police Department. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders shall not be held in secure custody (34 USC § 11133; Welfare and Institutions Code § 206).

Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS
Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to

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the station to await a parent). Juvenile status offenders shall not be held in secure custody (34 USC § 11133).

324.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Chula Vista Police Department unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

Generally, a juvenile offender may be taken into custody when authorized by a court order or when there is probable cause to believe the juvenile has committed an offense that would subject an adult to arrest (Welfare and Institutions Code § 625).

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to his/her home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

324.5 ADVISEMENTS

Officers shall take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that the juvenile is in custody, the location where the juvenile is being held, and the intended disposition (Welfare and Institutions Code § 627).

Whenever a juvenile is taken into temporary custody, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-

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offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to his/her parent or guardian; one to a responsible relative or his/her employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

324.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Chula Vista Police Department (15 CCR 1150).

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

324.6.1 RELEASE OF INFORMATION BY SUPERIOR COURT ORDER

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

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324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Chula Vista Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

324.7.1 TRUANCY AND DAYTIME LOITERING VIOLATIONS

Juveniles detained for truancy in violation of the California Education Code may be released to a parent, legal guardian, responsible adult, or the juvenile's school of attendance. Truancy is an educational administrative matter. The officer should complete a Juvenile Contact Report.

Juveniles detained for daytime loitering in violation of local prohibition should be issued a citation for the appropriate municipal code violation, and may be released to a parent, legal guardian, responsible adult, or the juvenile's school of attendance.

324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Chula Vista Police Department shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Chula Vista Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Chula Vista Police Department more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

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(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets which are available in the jail for this purpose.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Chula Vista Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others (15 CCR 1142).

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Chula Vista Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Chula Vista Police Department.

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324.11 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Chula Vista Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

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

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

324.12 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile under 18 years of age to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by anyone. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

In all other circumstances, a juvenile shall be read their Miranda rights prior to any custodial interrogation (Welfare and Institutions Code § 625).

324.12.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

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This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

324.13 FORMAL BOOKING

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

Any juvenile, 14 years of age or older, who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted or photographed upon the approval from the Watch Commander or CID supervisor, giving due consideration to the following:

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

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324.14 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

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

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

324.15 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

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

324.16 RELIGIOUS ACCOMMODATION

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

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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 Chula Vista Police Department members as required by law (Penal Code § 368.6).

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

Dependent adult - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/her rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

Elder and dependent adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

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

(a) Elder and dependent adult abuse

(b) Unlawful interference with a mandated report

(c) Homicide of an elder, dependent adult, or other adult or child with a disability

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(d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

(e) Child abuse of children with disabilities

(f) Violation of relevant protective orders

(g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them

(h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

326.2 POLICY

The Chula Vista 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).

(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.

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)).

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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 CHIEF OF POLICE RESPONSIBILITIES

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

(a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

(b) Developing and including department protocols in this policy, including but not limited to the following:

1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
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).
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) Ensure 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) Ensure a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.

(h) Ensure this policy is available to the Adult Protective Services (APS)..

326.4 FIRST RESPONDER RESPONSIBILITIES

First responder responsibilities shall include but are not limited to (Penal Code § 368.6):

(a) Taking responsibility for the safety and well-being of potential victims and witnesses.

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(b) Treating all potential victims, witnesses, and suspects with dignity and respect.

(c) Complying with this policy's requirements for arrests, pursuing arrest warrants, and seeking emergency protective orders.

(d) Complying with this policy's requirements for interviewing persons with cognitive or communication disabilities.

(e) Recognizing that some elders, adults, and children with cognitive or communication disabilities may have difficulty narrating events, appear to be poor historians, or lack short-term memory, which adds to their vulnerability and therefore requires officers to make special efforts to provide them with equal protection.

(f) Properly documenting the crime scene.

(g) Seeking a signed medical release from potential victims when feasible.

(h) When applicable, interview caretakers separately, recognizing that in some cases, the caretaker is the perpetrator.

(i) Recognizing that victim cooperation is sometimes unnecessary for prosecution. In some cases, allowing the victim to refuse prosecution creates an opportunity for the perpetrators to obstruct justice by pressuring or threatening the victim. Each call or case should be investigated on its own evidential merits.

(j) Taking other actions as necessary to comply with the provisions set forth in this policy.

326.5 INVESTIGATIONS AND REPORTING

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

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, BWC 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:

    (a) Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

    (b) 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).

    (c) 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).

    (d) Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).

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)).

326.5.1 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

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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)).

326.6 QUALIFIED INVESTIGATORS

Family Protection Unit (FPU) investigators or other qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

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.

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326.7 ELDER AND DEPENDENT ADULT ABUSE LIAISON

The Chula Vista Police Department's Family Protection Unit (FPU) 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.

326.8 MANDATORY NOTIFICATION

Members of the Chula Vista 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 he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

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(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 Bureau 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 Elder and Dependent Adult Abuse Liaison 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)).

326.8.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

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(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.

326.9 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.

326.9.1 EMERGENCY PROTECTIVE ORDERS

In any situation, day or night, where an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse. The application for an emergency protective order can be made in person or by telephone (Superior Court South County Division at 619-746-6200). The application for an emergency protective order may also be made after hours to an "on call" judge via County protocol. (Family Code § 6250(d)).

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326.9.2 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.

326.10 INTERVIEWS

326.10.1 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.

326.10.2 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.

326.10.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

326.11 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.

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326.12 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.

326.12.1 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 Elder and Dependent Adult Abuse Liaison so an interagency response can begin.

326.12.2 SUPERVISOR RESPONSIBILITIES

The CID 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 CID 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.

326.13 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.

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326.13.1 MANDATORY TRAINING

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

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

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

326.14 RECORDS BUREAU RESPONSIBILITIES

The Police Support Services 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.

326.15 JURISDICTION

The Chula Vista 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.

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326.16 RELEVANT STATUTES

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

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

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

Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

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

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

Welfare and Institutions Code § 15610.06

“Abduction” means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or 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

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(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

(c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or retains real or personal property when an elder or dependent adult is deprived of any property right, including by means of an agreement, donative transfer, or testamentary bequest, regardless of whether the property is held directly or by a representative of an elder or dependent adult.

(d) For purposes of this section, "representative" means a person or entity that is either of the following:

1. A conservator, trustee, or other representative of the estate of an elder or dependent adult.
2. An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

(a) "Isolation" means any of the following:

1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
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.

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(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

Welfare and Institutions Code § 15610.57

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
2. Failure to provide medical care for physical and mental health needs. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
3. Failure to protect from health and safety hazards.
4. Failure to prevent malnutrition or dehydration.
5. Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

"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.

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3. Rape in concert, as described in Section 264.1 of the Penal Code.
4. Spousal rape, as defined in Section 262 of the Penal Code.
5. Incest, as defined in Section 285 of the Penal Code.
6. Sodomy, as defined in Section 286 of the Penal Code.
7. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
8. Sexual penetration, as defined in Section 289 of the Penal Code.
9. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

1. For punishment.
2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
3. For any purpose not authorized by the physician and surgeon.

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Discriminatory Harassment

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 Chula Vista 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 the 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 other classifications 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, crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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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 Fair Employment and Housing Council guidelines.

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

328.3.4 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she 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 law enforcement 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 his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Personnel Manager or the City Manager.

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Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, 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 each supervisor and manager 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 his/her 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 Personnel Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

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

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling 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 Personnel Manager, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

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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 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 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any 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 any 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, Personnel Manager or the City Manager.

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 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:

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- Approved by the Chief of Police, the City Manager or the Personnel Manager, depending on the ranks of the involved parties.
- 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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term with the Department.

All 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
Human Resources should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by DFEH online training courses, Human Resources should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

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

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328.8 WORKING CONDITIONS

The Administrative Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

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).

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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 Chula Vista 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 Chula Vista 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).

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For purposes of notification, the abuse or neglect includes physical injury or death inflicted by other than accidental means upon a child by another person; sexual abuse (Penal Code § 11165.1); neglect (Penal Code § 11165.2); the willful harming or injuring of a child or the endangering of the person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of the peace officer's employment as a peace officer.

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.

330.4 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.

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(c) Any relevant statements the child may have made and to whom they made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

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 their 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 their parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations when a court order cannot reasonably be obtained in a timely manner (Welfare and Institutions Code § 305):

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

A child taken into protective custody shall be delivered to CPS unless otherwise directed by court order.

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.

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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 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

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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 CID supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the CID 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 CID supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

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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 ABUSE CENTRAL INDEX (CACI)

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that their 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 CID 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 their 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, they shall cause a request to be completed and forwarded to the DOJ that the

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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.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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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 Chula Vista 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 Chula Vista 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).

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 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)

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- 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

332.3.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS
When the Chula Vista Police Department takes a missing person report on a person who lives outside of this jurisdiction, Police Support Services shall promptly notify and forward a copy of the report to the agencies having jurisdiction over the missing person's residence and where the missing person was last seen. If the missing person is under 16 or there is evidence that the person may be at-risk, the reports must also be forwarded within no more than 24 hours to the jurisdiction of the agency where the missing person was last seen. (Penal Code § 14205(c))

332.3.2 TELETYPE NOTIFICATIONS
When a missing person is under the age of 21, Police Dispatch shall send a teletype to the Department of Justice and the National Crime Information Center within two hours after accepting the report (42 U.S.C. 5779(a) and 42 U.S.C. 5780(3)).

332.4 ACCEPTANCE OF REPORTS

Any member of the department 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).

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(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(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 POLICE SUPPORT SERVICES RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

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(d) Forward a copy of the report to 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 CID FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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(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 CID supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.

(b) If the missing person is a resident of Chula Vista or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

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(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 Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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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.

334.3 RESPONSIBILITIES

334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Chula Vista Police Department should notify their supervisor, Watch Commander or CID 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 Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Division Commander

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)):

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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

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 Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

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.

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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
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(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

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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).

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 CID Supervisor elects to use the services of the Sheriff's Department, the following will apply:

(a) Notify the Sheriff's Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff's Department Watch Commander.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff's Department will be referred back to this department.

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The Chula Vista 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 ALERT SAN DIEGO (REVERSE 911)

The Alert San Diego is a regional emergency notification system managed by the County of San Diego in partnership with Blackboard Connect, Inc. Alert San Diego may be used by public safety personnel countywide to notify residents and business within the county impacted by, or in danger of being impacted by, an emergency or disaster. It may also be used to inform the public about other situations related to public safety, such as a search for missing person at risk.

334.8.1 CRITERIA FOR ALERT SAN DIEGO

The following conditions must be met before activating an alert:

(a) Imminent or perceived threat to life or property

(b) Disaster notifications

(c) Evacuation notices

(d) Public health emergencies

(e) Any notification to provide emergency information to a defined community

(f) Exercise and training campaigns to recipients within or affiliated with the organization Emergency Alert

334.8.2 PROCEDURE FOR ALERT SAN DIEGO

(a) An employee requesting an alert will notify the communication center

(b) The communications center supervisor or designee will prepare an alert using blackboard connect

(c) The on-duty Watch Commander will review the prepared alert and give authorization for it to be sent

(d) The communications center supervisor or designee will send the alert

334.9 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).

334.9.1 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).

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(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

334.9.2 PROCEDURE

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

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Victim and Witness Assistance

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

336.3 CRIME VICTIM LIAISON

The Chula Vista Police Department's Family Protection Unit (FPU) Sergeant will be the Crime Victim Liaison and keep communication with the San Diego County Victim's Assistance Program to ensure that they are currently providing victim and witness assistance. The San Diego County Victim's Assistance Program provide the appropriate services to crime victims and witnesses for San Diego County Law Enforcement Agencies. (per 2 CCR 649.36) These service include information and services from government and private resources.

336.3.1 SPECIFIC CRIME VICTIM LIAISON DUTIES

The San Diego County Victim’s Assistance Program provides victim assistance for all Police Agencies in San Diego County via their partnership with the San Diego County District Attorney’s Office. As the Chula Vista Police Department Victim Liaison, the CVPD Family Protection Unit Sergeant will regularly communicate with the San Diego Victim’s Assistance Program to ensure that they continue providing the following service for victims of crime in Chula Vista (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36:

(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.

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(d) 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 Chula Vista Police Department jurisdiction (Penal Code § 680.2).

336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

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 Family Protection Unit Sergeant shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check

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on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U Visa and T Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number and any applicable case or incident number.

(l) The "Victims of Domestic Violence" card containing the names, phone numbers or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

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.

336.7 POLICE SUPPORT SERVICES RESPONSIBILITY

It shall be the responsibility of the Police Support Services Manager to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. The Liaison Officer shall carry out the functions required by Government Code § 13962 (b) and 2 CCR 649.35 and devise and implement written procedures pursuant to 2 CCR 649.36 in order to notify and provide the required compensation information to victims. The Release of Records and Information Policy in this manual regarding release of reports shall be followed in all cases.

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Hate Crimes

338.1 PURPOSE AND SCOPE

The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(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

(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
2. Defacing a person’s property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

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 agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

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338.2 POLICY

The Chula Vista Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.

338.3 PREVENTION AND PREPARATION

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and follow-up as outlined below as outlined below.

(d) Educating community and civic groups about hate crime laws.

(e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

338.4 INVESTIGATIONS

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once in progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene, etc.), the assigned officer(s) should take all reasonable steps to preserve evidence that establishes a hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

    1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.

(e) The assigned officers should will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

    1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b)).

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2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

(f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources to further the investigation.

(g) The assigned officers will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports should be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(h) The assigned officers will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations.

338.4.1 CID RESPONSIBILITY

If a hate crime case is assigned to the CID Division, the assigned detective will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victims and other involved individuals, as needed.

(c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Police Support Services Policy.

(d) Make reasonable efforts to identify additional witnesses.

(e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).

(f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.

(a) When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

338.4.2 HATE CRIMES COORDINATOR

The Investigations Division Lieutenant will designate one investigator as the Hate Crimes Coordinator. The duties and responsibilities of the Hate Crimes Coordinator are collateral to the investigator's regularly assigned duties and responsibilities. The Hate Crimes Coordinator will report directly to the Investigations Division Lieutenant on matters relating to Hate Crimes. Upon notification of a crime of hate or bias, the Hate Crimes Coordinator should notify the Investigations Division Lieutenant as soon as reasonably possible.

The Hate Crimes Coordinator is responsible for reviewing all reports designated as crimes of hate or bias to ensure that they meet the legal criteria to be classified and reported as hate crimes to the Department of Justice. In making this determination the Hate Crimes Coordinator should seek

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the second opinion of the Police Support Services manager. Wherever their opinions differ, the Investigations Division Lieutenant will have final authority in the matter.

The Hate Crimes Coordinator shall prepare an annual report to the Investigations Division Lieutenant detailing the types of hate crime offenses reported during the year, the identification of any suspects, and any educational efforts made with the community at large.

338.4.3 SUPERVISOR RESPONSIBILITY

The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

(b) 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.

(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

338.5 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.

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Standards of Conduct

340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Chula Vista 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 Chula Vista 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.

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The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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 TRUTHFULNESS POLICY

Members shall be truthful in all matters relating to their duties.

340.6 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

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340.6.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

340.6.2 ETHICS

(a) Using or disclosing one's status as a member of the Chula Vista Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any 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.

340.6.3 DISCRIMINATION

Discriminating against any person because of the following is prohibited: race, color, ancestry, national origin, religion, creed, age (40 and over), disability (mental and physical), sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military or veteran status.

340.6.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.

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

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

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(d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(f) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

340.6.5 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.

340.6.6 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 non-subpoenaed records.

340.6.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work

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assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

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

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

340.6.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

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

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department -related business.

(d) 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.

(e) 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.

(f) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.

2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

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(g) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Any act on- or off-duty that brings discredit to this department.

340.6.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on their part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

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

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

340.6.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

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(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

340.6.11 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.

340.7 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

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

In an effort to encourage expeditious investigations, investigations that take longer than ninety days from the date of discovery to complete shall be reported by the Professional Standards Unit to the Human Resources Director (Civil Service Rule § 1.08(B)(1)).

340.7.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to their Division Commander within ten days of receipt of the written reprimand. The appeal will be heard by a Division Commander not in the employee's chain of command and not otherwise related to the investigation. In the event all Division Commanders are either in the employee's chain of command or related to the investigation, the Chief of Police may assign the appeal to another uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

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Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the hearing officer. The decision of the hearing officer to sustain, modify or dismiss the written reprimand shall be considered final.

340.8 POST INVESTIGATION PROCEDURES

340.8.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action

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

340.8.2 RESPONSIBILITIES OF THE AGENCYHEAD

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

The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

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

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

Specific charges set forth in separate counts, describing the conduct underlying each count.

A separate recommendation of proposed discipline for each charge.

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

An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Skelly notice.

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

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

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

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

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief 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 of such subsequent investigation prior to the imposition of any discipline.

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

(f) Once the employee has completed their Skelly response or if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline.Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee with 30 days, imposing, modifying or rejecting the recommended discipline.In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

340.8.4 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

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

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

340.8.5 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the

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Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

During any post-Skelly 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 penalty. (Government Code § 3305.5).

340.8.6 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

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

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

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

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

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

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

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

(g) In the event that a probationary employee fails to meet their burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

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Information 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 Chula Vista 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.

342.2 POLICY

It is the policy of the Chula Vista 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.

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.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

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 supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

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 computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

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.

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342.4.3 INTERNET USE

Internet access provided by or through the Department should be limited to department-related activities, however, incidental personal use is authorized. Incidental personal use is secondary, and should not interfere with the City's operation of Electronic Communications resources; interfere with the user's employment or other obligations to the city, or burden the City with noticeable incremental costs. 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 IT staff or a supervisor.

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

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.

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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 involving one of its members or a member's duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

342.7 NETWORK ACCOUNT CREATION, ACCESS CHANGES AND AUDITS AND EVENTUAL ACCOUNT REMOVAL

The purpose of this policy is to govern the creation, changes in access, expiration, and removal of network accounts as they relate to Chula Vista Police Department's secure network which includes criminal justice information.

342.7.1 ACCOUNT CREATION & VERIFICATION

Authorized access to all Criminal Justice Information within the department begins with the creation of the network account which personnel use to logon to the computers and systems provided to our personnel. To maintain integrity and accountability for access and audit controls, the department will create new accounts for personnel only when notified by the Professional Standards Unit (PSU) that a background investigation has been completed and an employment offer has been accepted. That notification, including identity information and initial password for an account, should be sent by PSU personnel to the Police Technology Unit which should then create the account. The account should be disabled until the employee's formal start of employment.

342.7.2 ACCESS CHANGES & AUDITS

Department supervisors in charge of individual units, assignments, and responsibilities shall be responsible for granting or removing access to any technology resources specific to that unit, assignment, or responsibility. Personnel may be granted access for the current, upcoming, or prior role for a limited period to provide a smooth transition of knowledge and responsibilities. In order to ensure the security of technology resources and information, supervisors shall conduct semi-annual audits of assigned access to their technology resources and should consider the specific levels of access granted to each employee. Supervisors should immediately notify the Police Technology Unit of any changes.

342.7.3 ACCOUNT EXPIRATION & REMOVAL

When department personnel separate from service, the Professional Standards Unit shall send the Police Technology Unit a notice of the separation to include the name, department identification number, and the last day of service of the employee. The Police Technology Unit should set the associated user account to expire at midnight on the last day of service. The Police Technology Unit should leave the account in this state to allow for any data access or recovery by the Department before ultimately deleting the account 30-days after separation.

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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 dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

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

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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

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms Policy)

(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

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:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

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(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

344.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

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

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

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.

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344.4 REPORT CORRECTIONS

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

344.5 REPORT CHANGES OR ALTERATIONS

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

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Media Relations

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, Division Commanders, Watch Commanders and designated Public Information Officer(s) 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 while on duty 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

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be coordinated through the department Public Information Officer or other designated spokesperson.

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 Public Information Officer.

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

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safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (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.

346.4.2 PERSONS IN CUSTODY

The following information relating to persons in custody must be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation:

(a) The full name, current address and occupation of every person arrested by the agency

(b) The arrestee's physical description including date of birth, color of eyes and hair, sex, height, and weight

(c) Date and time of arrest

(d) Location of arrest

(e) Factual circumstances surrounding arrest

(f) All charges subject is being held on

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(g) Date and time of booking; amount of bail set; and time and manner of release of location where the arrestee is being held are considered public information

Photographing persons in custody within a detention facility operated by the Chula Vista Police Department is prohibited. News media representatives have no greater right of access to detention facilities, or inmates, than any other member of the public.

Officers who have custody of prisoners outside a detention facility shall not permit news media interviews with the prisoners. However, media representatives may be allowed to film the movement of such prisoners in public areas. "Public areas" does not include the parking structure of the Police Department building.

346.4.3 PERSONAL POINTS OF VIEW

It is recognized that all employees have the right to personal points of view regarding any issue. However, personal points of view may conflict with the department's official policy. Therefore, department employees who communicate personal points of view to any media outlet may not use official City or Department stationery or letterhead, nor may the information be sent though City or Department email or other electronic communications devices.

If an employee chooses to identify themself as a police department employee in any personal communication to a media outlet, the employee shall include language which states their views do not represent the views of the police department, but rather, are the employee's personally held opinions. Similar disclaimers must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for a radio or television program unless the employee is officially representing the police department. Employees who are representing the police department in any of the above formats must identify themselves as an official spokesperson for the police department.

346.5 PRESS RELEASES

In cases where an official Department press release is required, employees should ensure that the press release includes all necessary information. This should include, but is not necessarily limited to, the following:

(a) Generally, press releases should be brief and contain basic factual information such as date, time, and location of the incident, and suspect name and age. Caution should be used when releasing victim information in accordance with this policy.

(b) Generally, specific criminal history information shall not be released.

(c) Assumptions and personal opinions shall not be included in press releases.

All press releases must be approved by a supervisor prior to release.

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Subpoenas and Court Appearances

348.1 PURPOSE AND SCOPE

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

348.2 POLICY

Chula Vista Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

348.2.1 DELAYS OR CONFLICTING SUBPOENAS

Employees subpoenaed to appear on separate cases on the same date and time shall contact the issuing agency or party for instructions as soon as they become aware of the conflict. If the scheduling conflict cannot be resolved with the issuing parties, the employee shall notify their immediate supervisor for assistance.

Employees delayed en route to court shall immediately notify the Watch Commander or a supervisor. They will notify the court and the case can be trailed until the employee arrives.

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 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)).

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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 City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

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

(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 Chula Vista Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Chula Vista 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.

348.3.4 EMPLOYEE RESPONSIBILITIES

The subpoenaed employee shall complete any necessary expense reports, overtime reports, or other documents in a timely manner and in accordance with established protocol or as directed by a supervisor. This includes completing and returning a Subpoena Cost Summary report, including any required attachments, as soon as reasonably possible.

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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.

348.5 STANDBY

Any employee subpoenaed for appearance in an official proceeding may voluntarily elect to provide accurate and reasonably reliable telephone number(s) to the entity or person issuing the subpoena for the purposes of being on standby in lieu of or in addition to a physical appearance in court. There are no standby agreements with the courts, and the option to be placed on standby is at the sole discretion of the subpoenaed employee with the agreement of the issuing entity.

Any employee electing to be placed on standby shall remain available by phone or pager so that he or she may be directed to appear in court within a reasonable period of time. If an employee on standby changes his/her location during the day, the employee shall notify the issuing entity of how he/she can be reached by telephone. Employees may remain on standby each day the case is trailing. In a criminal case, the issuing entity, such as the Deputy District Attorney handling the case or a defense attorney issuing a defense subpoena, is the only person authorized to excuse an employee from standby status.

Employees shall not be compensated for standby time unless otherwise specified in the current employee Memorandum of Understanding.

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.

(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.

348.8 TRANSPORTATION TO COURT

Off-duty employees shall not use patrol vehicles for transportation to and from court without the permission of the on-duty Watch Commander. Off-duty employees permitted to use patrol vehicles

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for transportation to and from court should make every reasonable effort to carpool on related cases to avoid draining patrol resources.

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Reserve Officers

350.1 PURPOSE AND SCOPE

The Chula Vista Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

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

350.2.1 PROCEDURE

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

Before appointment to the Police Reserve Unit, an applicant must have completed, or be in the process of completing, a POST approved basic academy or extended basic academy.

350.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation. Reserves shall receive a yearly uniform cleaning allowance equal to that of regular officers.

350.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

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

350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the

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Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

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

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

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

350.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

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

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

(c) Establishing and maintaining a reserve call-out roster

(d) Maintaining and ensuring performance evaluations are completed

(e) Monitoring individual reserve officer performance

(f) Monitoring overall Reserve Program

(g) Maintaining liaison with other agency Reserve Coordinators

350.4 FIELD TRAINING
Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

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

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

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350.4.3 FIELD TRAINING MANUAL
Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Chula Vista Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

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

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

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

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

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

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

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

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

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

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

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

350.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

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

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

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

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

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

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

350.6.3 RESERVE OFFICER FIREARM TRAINING
All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify annually

(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

350.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

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

350.8 RETIREMENT

Sworn Reserve Police Volunteers, voluntarily separating or retiring in good standing after having served 10 or more (but less than 20) years of sworn Reserve service with the Chula Vista Police Department, may be provided an encased retirement badge.

Sworn Reserve Police Volunteers, voluntarily separating or retiring in good standing after having served more than 20 years of sworn Reserve service with the Chula Vista Police Department, may be provided a retirement badge (not encased).

Reserve Officers may be authorized by the Chief of Police to maintain their CCW status throughout retirement. This CCW permit must be carried as per the state requirements and subject to the regulations.

If a Reserve Officer is convicted of a criminal charge, is dismissed in lieu of prosecution or commits a serious violation of the Chula Vista Police Department Policy Manual, he/she will not be eligible for retirement and they will be dishonorably separated from the Reserve Program. The

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Chief of Police shall be the final authority in deciding if non-criminal action is considered conduct unbecoming an officer.

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Outside Agency Assistance

352.1 PURPOSE AND SCOPE

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

352.2 MUTUAL AID SYSTEM

The California State Mutual Aid System and National Incident Management System are designed to provide personnel and logistical support to a law enforcement agency in an emergency situation when the resources normally available to that agency are not sufficient to handle the problem.

There are seven law enforcement Mutual Aid Regions within the State of California. Each Region is composed of several counties or "Operational Areas." Coordination of Mutual Aid within the Region is handled by the Sheriff of one of the counties as elected by the county Sheriffs within the Region. The County of San Diego is in Region 6, and the Sheriff of San Bernardino handles coordination of Mutual Aid for Region 6.

The procedures set forth herein govern formal mutual aid as outlined in the County of San Diego Emergency Operations Manual, and are not intended to interfere with the day-to-day assistance requested or provided by outside agencies on a routine or voluntary basis.

352.2.1 ACTIVATING THE MUTUAL AID SYSTEM

When a Watch Commander determines that personnel and equipment requirements are beyond the capability of the Department's resources, a request for mutual aid assistance shall be made to the on-call Division Commander. With authorization from the on-call Division Commander, the Watch Commander may call out the Police Reserves or may request short-term assistance from surrounding agencies.

The full Mutual Aid Mobilization plan shall only be activated upon the authorization of Command Staff, in the following order of succession:

(a) Chief of Police

(b) The on-call Division Commander

(c) Any other Division Commander

Once authorized, the request for mutual aid shall be made through the San Diego Sheriff's Department communications division. The request must include the desired number of personnel, estimation of the length of time needed, where to check in, etc. The Sheriff's Department Watch Commander will initiate the procedure and obtain necessary personnel.

352.2.2 RESPONDING TO ACTIVATIONS OF THE MUTUAL AID SYSTEM

In the event of an emergency or incident outside of the city, a request for assistance may be received from the San Diego Sheriff's Department. Procedurally, the activation of a mutual aid

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deployment is the same for both local and out of city responses. The Watch Commander shall notify the on-call Division Commander, and should respond to the request accordingly.

The requesting agency is responsible for accomplishing the stated objectives of the request.

352.3 EMERGENCY OPERATIONS

During a large-scale emergency or incident, the department maintains responsibility for both the incident and for general police services to the community. Personnel may be deployed locally or outside the county and may be gone for several days, which will have a significant impact on staffing and scheduling. The following guidelines have been set for staffing personnel during mutual aid activation.

Generally, the Operations (Patrol) Division will assume responsibility for the response to the emergency incident, while the Investigations Division will assume responsibility for maintaining the continuity of police services to the community.

In the event of a major deployment, police service may be limited in scope and may be restricted to emergency calls only. Emergency calls can be defined as calls involving immediate danger to life and property or public welfare. Routine calls for service, such as non-injury traffic collisions, crime reports, traffic direction and disturbance calls where no danger is indicated may be suspended during the period of the emergency operation.

352.3.1 OPERATIONAL COMMAND RESPONSIBILITY

In the event of a department mutual aid mobilization, the following command assignments will be in effect unless otherwise directed:

(a) The Operations Division Commander shall assume responsibility for the deployment of personnel to the emergency incident. The Operations Division Commander may operate at a field command center, and may designate a field or incident commander to coordinate the deployment of field resources.

(b) The Investigations Division Commander shall coordinate the response of supporting units to the emergency incident, such as the Crime Laboratory, and others. The Investigations Division Commander shall assume responsibility for all clerical and police support operations. The Investigations Division Commander has responsibility for overall logistics and intelligence.

(c) The on-duty Watch Commander shall assume responsibility for general patrol services utilizing investigations and support personnel. The on-duty Watch Commander shall coordinate the response of support units to the emergency incident, such as S.W.A.T. and other support units.

(d) The Police Reserve Commander shall report to the Operations Division Commander for the deployment of Police Reserve personnel as needed.

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352.3.2 NOTIFICATION AND CALL-OUT

Upon receiving authorization for limited or department-wide notification or call-out, the Watch Commander shall be responsible for notifying affected personnel of their call-out status and condition.

(a) Condition 1 - Standby: Personnel placed on standby are expected to be able to arrive at an emergency incident within 30 minutes of request. Standby personnel shall assure the Department has an accurate means of contacting the employee either at home or via cellular telephone. Employees temporarily unable to meet this requirement shall contact the Department regularly, on every half-hour, and shall remain immediately available for recall.

(b) Condition II - Residence Stand-by: Personnel placed on residence standby shall remain at their residence and be prepared to respond immediately upon request.

(c) Condition III - Deployment: Personnel ordered to deploy shall report immediately to the police facility or other designated assembly area, fully equipped and prepared for field duties.

Employees notified of any call-out status or condition should prepare to respond immediately upon request or order. Employees should also plan for the possibility of being away from home for several days and should respond with the appropriate personal effects for an extended deployment. Employees shall not disclose to the media or any unauthorized persons the fact they are in a standby condition.

Deployed personnel are expected to be able to arrive as directed within 30 minutes from the time of request.

352.3.3 DEPLOYMENT AND SCHEDULE

Upon deployment, responding employees will be told where to respond and will be given assignments and duties for their operational period. Generally, all sworn personnel will be assigned a 12-hour schedule until the emergency response requirement is terminated. Sworn personnel may be grouped into two large tactical units, with one unit on-duty for a 12-hour period, and the other unit off-duty for that period of time.

352.4 POLICY

It is the policy of the Chula Vista Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

352.5 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

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When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

352.5.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Chula Vista Police Department shall notify his/her supervisor or the Watch Commander and the Communications Center as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

352.6 REQUESTING OUTSIDE ASSISTANCE

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

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

352.7 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that involve enforcement action by department members shall be documented in a case report. Other activities that are not enforcement related should be evaluated if a report is warranted or documented as directed by a supervisor or the Watch Commander.

352.8 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administrative Services Division Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

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(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to the Communications Center and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Manager should maintain documentation that the appropriate members have received the required training.

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Registered Offender Information

356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Chula Vista Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.2 POLICY

It is the policy of the Chula Vista Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION

The Criminal Investigations Division Lieutenant shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Division Lieutenant should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

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(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Criminal Investigations Division Lieutenant should also establish a procedure to routinely disseminate information regarding registered offenders to Chula Vista Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Chula Vista Police Department's website. Information on sex registrants placed on the Chula Vista Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Police Support Services Manager may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name

(b) The offender's known aliases

(c) The offender's sex

(d) The offender's race

(e) The offender's physical description

(f) The offender's photograph

(g) The offender's date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

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For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).

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Major Incident Notification

358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

358.2 POLICY

The Chula Vista Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

358.3 MINIMUM CRITERIA FOR NOTIFICATION

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

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Chula Vista official
- Arrest of a department employee or prominent Chula Vista official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

358.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. Notification should be made by calling the home telephone number first and then by any other available contact numbers.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Division Commander and the Investigations Division Lieutenant if that division is affected.

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358.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

358.4.3 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Traffic Lieutenant.

358.4.4 PUBLIC INFORMATION OFFICER (PIO)
The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

358.4.5 Professional Standards Unit

The Professional Standards Unit Lieutenant shall be notified as soon as practical of the incident. A PSU Sergeant will be notified by the Lieutenant.

358.4.6 Police Officer Association

The President or designee of the Police Officer Association shall be notified of the incident.

358.5 DISASTER/MAJOR INCIDENT PERSONNEL RESPONSE

It shall be the responsibility and duty of all Department employees and volunteers to adhere to the procedures set forth in CGC 3100 and this policy in order to maintain the safety and security of the citizens, visitors, and employees of the City of Chula Vista.

DEFINITION: According to the California Government Code 3100, 3101, all Chula Vista Police Department employees and volunteers are defined by the State of California as Disaster Service Workers:

3100. It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

3101. For the purpose of this chapter the term "disaster service worker" includes all public employees and all volunteers in any disaster council or emergency organization accredited by the California Emergency Council. The term "public employees" includes all persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed.

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(a) Response for all employees and police volunteers of the Chula Vista Police Department during a declared (or the reasonable anticipation of a declared) local disaster. On-Duty Personnel:

1. Are required to remain on duty until dismissed by a supervisor or other proper authority.
2. May take reasonable efforts to ensure the safety of their own family without significant impact to current duties.

(b) Off-Duty Personnel:

1. Should take reasonable efforts to ensure the safety of their immediate family.
2. Must attempt to contact or respond to the Chula Vista Police Department, their direct supervisor, or any known staging area or other relevant authority at the first opportunity once the safety and welfare of their own family is reasonably secure.
3. Must respond at the first opportunity to any attempts by their supervisor or other relevant authority to contact them for response and/or assistance.

358.6 SECTION TITLE

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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.

360.2.1 MEDICAL EXAMINER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Medical Examiner to inquire into and determine the circumstances, manner and cause of certain deaths. The Medical Examiner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

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(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Medical Examiner.

360.2.2 SEARCHING DEAD BODIES

The Medical Examiner or a designee are generally the only persons 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 Medical Examiner 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 Medical Examiner or a designee; the investigating officer shall first obtain verbal consent from the Medical Examiner 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 Medical Examiner 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 Medical Examiner 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 Medical Examiner'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 Medical Examiner may be requested to make the notification. The Medical Examiner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

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360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner’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 Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

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)).

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Identity Theft

362.1 PURPOSE AND SCOPE

Identity theft is a growing concern for law enforcement that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

362.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing or working within the jurisdiction of this department. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing or working within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides or works.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides or works, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft his/her right to obtain court-ordered access to the Department of Justice Identity Theft database pursuant to Penal Code section 530.7. Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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Private Persons Arrests

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 to be 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.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.
2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

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

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

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 the CITIZEN ARREST portion of the citation or the Chula Vista Police Department citizen arrest form.

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.

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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) All incidents of ARRC shall be reported either electronically or by paper form in accordance with the protocols of the California Department of Justice, Division of Justice Information Services. Copies of ARRC reporting forms and instructions are available from the California Department of Justice.

(b) Upon the receipt of the report of an ARRC, it shall be the responsibility of the Police Support Services Manager to complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(c) The ARRC Data Collection Worksheet shall be processed and filed with all related reports.

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(d) By the tenth day of each month, it shall be the responsibility of the Police Support Services Manager to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).

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Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficient (LEP) - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Qualified bilingual member - A member of the Chula Vista Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 POLICY

It is the policy of the Chula Vista Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Division Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Chula Vista Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Chula Vista Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Chula Vista Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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Communications with Persons with Disabilities

370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

370.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

370.2 POLICY

It is the policy of the Chula Vista Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Chula Vista Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

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370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Chula Vista Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

370.6 TYPES OF ASSISTANCE AVAILABLE

Chula Vista Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

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Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

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Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

370.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

370.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

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370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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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 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.

372.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

372.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

372.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

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372.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, 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).

372.3 POLICY

The Chula Vista Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

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 therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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Biological Samples

374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

374.2 POLICY

The Chula Vista Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO DNA COLLECTION

Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

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374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING

A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR 1059).

374.5.2 CELL EXTRACTIONS

If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR 1059).

374.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

374.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

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374.6.2 BLOOD SAMPLES

A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

374.6.3 LITIGATION

The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Chaplains

376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Chula Vista Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

376.2 POLICY

The Chula Vista Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

376.3 ELIGIBILITY

Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.

(b) Managing their households, families and personal affairs well.

(c) Having a good reputation in the community.

(d) Successful completion of an appropriate-level background investigation.

(e) A minimum of five years of successful counseling experience.

(f) Possession of a valid driver license.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

376.4 RECRUITMENT, SELECTION AND APPOINTMENT

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

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

376.4.1 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

(c) Interview with the Chief of Police and the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

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Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

376.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Chula Vista Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Chula Vista Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

376.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administrative Services Division Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

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(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

376.7 DUTIES AND RESPONSIBILITIES

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division . Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Chula Vista Police Department.

376.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

376.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Chula Vista Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Chula Vista Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

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(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Chula Vista Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

376.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

376.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

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376.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

376.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

376.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Chula Vista Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Chula Vista Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

376.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations

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- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

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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 Chula Vista 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.

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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 child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

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).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

380.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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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)).

382.2 POLICY

It is the policy of the Chula Vista 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.
- 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

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schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

382.4 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Chula Vista Police Department affords to all members of the public (28 CFR 35.136).

382.4.1 INQUIRY

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

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

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

382.4.2 CONTACT

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

382.4.3 REMOVAL

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

382.4.4 COMPLAINTS

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

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animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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

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Response to Serious Injury or Death of a Member or Law Enforcement Officer

383.1 PURPOSE AND SCOPE

The purpose of this policy is to outline the Department's response to the serious injury or death of a Department member, retiree or other law enforcement member. Notification responsibility, assignments and funeral protocol is included.

The Department recognizes that this is a very difficult time for the family and the Department as a whole. Every effort will be made to assist the family as much as possible. The extent of our participation will depend on the wishes of the family and the resources available.

383.1.1 DEFINITIONS

For the purposes of this section, the following definitions will apply:

(a) Line-of-Duty Death of an Active Sworn Member: A sworn member of the Department who is actively employed or in an authorized volunteer service, who suffers any serious bodily injury, or any fatal injury or illness, while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service.

(b) Other than Line-of-Duty Death of an Active Sworn Member: A sworn member of the Department, including a sworn Police Reserve member, who is actively employed or in an authorized volunteer service, who suffers any serious bodily injury, or any fatal injury or illness, while off-duty and which is not related to the member's service with the Department.

(c) Death of an Active Civilian Member: A civilian member of the Department who is actively employed or in an authorized volunteer service, who suffers any serious bodily injury, or any fatal injury or illness, whether on- or off-duty.

(d) Death of a Retired Member: The death of any member who has retired from service and is in good standing, and fully separated through retirement from the Department.

(e) Chula Vista Death of a Member of an Allied Agency: An active member of an outside agency, which is recognized as an authorized public law enforcement agency, who suffers any fatal injury while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service, whether on- or off-duty within the City of Chula Vista.

(f) Death of a Sworn Member of another San Diego County Agency: An active member of an outside agency recognized as an authorized public law enforcement agency, and which is located within the County of San Diego, who suffers any fatal injury while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service.

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(g) Death of a Sworn Member of any other County: An active member of an outside agency recognized as an authorized public law enforcement agency, and which is not located within the County of San Diego, who suffers any fatal injury while taking any action that the member is authorized or obligated to perform by law, rule, regulation, or condition of employment or service.

383.2 LINE-OF-DUTY DEATH OF AN ACTIVE SWORN MEMBER

Immediately upon notification of Line-of-Duty Death of an Active Sworn Member, the Professional Standards Lieutenant should be called to duty and assigned to assist with the deceased member's family and coordination of the funeral arrangements.

The Police Facility American Flag shall be lowered to half-mast from the time of death.

The following is a list of suggested resources that are available to assist as needed

(a) Peer Support Coordinator

1. Funeral arrangements/service
2. Peer Support personnel to assist family as needed
3. Coordinate with the funeral director for overall planning of service

(b) Traffic Sergeant and Special Events Coordinator

1. Planning/supervising motorcade, escorts, traffic control along route
2. Coordinate with outside agencies for additional assistance with traffic control

(c) Representative of the member's employee bargaining group

1. Assist family with insurance, death benefits, etc.

(d) Honor Guard Coordinator

1. Role of honor guard and dignitaries
2. May assist with selection of pallbearers, ushers, escorts from decedent's squad, family, etc.

(e) Public Information Officer

1. Press releases regarding the incident and funeral arrangements
2. May coordinate with the Watch Commander's office to ensure that all necessary announcements and teletypes are generated to the law enforcement community regarding the incident and funeral arrangements.

(f) S.W.A.T. Commander

1. Assist family with insurance, death benefits, etc.
2. Planning and coordination of V.I.P. and site security concerns

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383.3 OTHER THAN LINE-OF-DUTY DEATH OF AN ACTIVE SWORN MEMBER

In the event of an Other than Line-of-Duty Death of an Active Sworn Member, it shall be the responsibility of the Professional Standards Lieutenant and/or Peer Support to serve as liaison to the family. The Department shall respect the wishes of the family regarding funeral arrangements and will provide assistance if requested.

The Police Facility American Flag shall be lowered to half-mast on the day of the funeral until sunset.

Participation of active duty police officers with the funeral arrangements will be at the discretion of the Chief of Police.

383.4 DEATH OF AN ACTIVE CIVILIAN MEMBER

In the event of the Death of an Active Civilian Member, the Professional Standards Lieutenant shall be responsible for contacting the family of the deceased regarding arrangements. The Department shall respect the wishes of the family regarding all aspects of the service and participation shall be at the discretion of the Chief of Police.

383.5 DEATH OF A RETIRED MEMBER

In the event of the Death of a Retired Member, requests for assistance and/or participation will be directed to the Professional Standards Lieutenant. Participation of active duty police officers will be at the discretion of the Chief of Police.

383.6 CHULA VISTA DEATH OF A MEMBER OF AN ALLIED AGENCY

In the event of the Death of a Member of an Allied Agency, the on-duty Watch Commander will immediately notify the on-call Captain, who should notify the Chief of Police. It will be the responsibility of the Chief of Police, or his/her designee, to contact the involved employee's law enforcement agency in order to make official notification. The Chief of Police or his/her designee may provide additional direction to our Department's staff based on the requests of the Allied Agency.

383.7 FUNERAL SERVICES FOR DEATH OF A SWORN MEMBER OF ANY SAN DIEGO COUNTY AGENCY

Upon notification of the line of duty death of any San Diego County Law Enforcement officer, all sworn personnel shall affix either an authorized band or a one-half inch strip of black tape horizontally across the city seal of the badge. Tape may be provided by patrol supervisors or the Watch Commander. The band or tape shall remain from the time of death until sunset on the day of the funeral.

The Honor Guard Coordinator will serve as coordinator for attending officers and shall issue a department announcement with details of the funeral announcing the time and location where officers will meet prior to traveling to the funeral. The Department Honor Guard and motorcycle officers shall participate in all services for agencies within San Diego County.

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Supervisors shall allow maximum attendance of on-duty personnel, recognizing that minimum field staffing levels must be maintained. Officers that are either participating or attending a law enforcement funeral shall comply with the following:

(a) Officers attending the funeral in uniform shall wear either dress uniforms, including white shirts, ties, and dress jackets or long sleeve uniform shirts and ties.

(b) Pallbearers and Honor Guards shall wear white gloves.

The on-duty Watch Commander will coordinate the use of department vehicles to ensure that there is adequate transportation available without impacting the on-duty patrol officers. All vehicles should be washed before attending funeral services.

383.8 FUNERAL SERVICES FOR DEATH OF A SWORN MEMBER OF ANY OTHER COUNTY

Participation of Department members in law enforcement funerals outside of San Diego County shall be at the discretion of the Chief of Police.

The Honor Guard Coordinator will serve as coordinator for attending officers. Representatives from the Honor Guard shall attend officer funerals in Los Angeles, Orange, Riverside, San Bernardino and Imperial counties. Any other personnel wishing to attend in uniform should contact their immediate supervisor, and shall comply with any instruction from their supervisor or Watch Commander.

Officers attending the funeral in uniform shall wear either dress uniforms, including white shirts, ties, and dress jackets or long sleeve uniform shirts and ties.

Officers using marked patrol vehicles should ensure the unit is clean prior to departure.

383.9 DEPARTMENT CHAPLAIN

The Department Chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

(a) Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.

(b) Assisting liaisons and coordinators with their assignments, as appropriate.

(c) Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the Chaplain is in the Chaplains Policy.

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Volunteer Program

384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

384.2 VOLUNTEER MANAGEMENT

384.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Administrative Services Division Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

384.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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384.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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Police Facility Security, Maintenance, and Evacuation

385.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for maintaining security of the police facility while allowing reasonable access to authorized parties and those with a legitimate reason for being there.

385.2 FACILITIES

The Police Department building, structures, and ancillary facilities are the property of the Chula Vista Police Department.

385.2.1 SECURITY OF POLICE FACILITY

All Department members share responsibility for the security of the Police Facility. All external doors leading into the police facility should be kept closed and locked at all times, except the public doors leading into the front lobby which may remain open and/or unlocked only during business hours.

The police facility includes several areas that maintain differing levels of security. These areas include:

- Public areas, such as the front lobby, community rooms, public parking lot, and public courtyard
- Secure areas, such as the offices and work spaces of Department members, secure parking lot, and locker rooms
- Restricted areas, such as the evidence control and evidence laboratory areas, jail, communications center, Professional Standards Unit, executive administrative offices, Police Support Services, criminal narcotics and intelligence investigations, and any other areas requiring additional security.

Department members shall be issued proximity cards to access the police facility. While inside the police facility, department members should wear their authorized uniform. Department members within the police facility and not otherwise in uniform should wear, and keep readily visible, their departmentally issued badge, or their Departmentally issued identification card or proximity card that displays their name and photograph.

Access to the police facility by other persons may be authorized by the Professional Standards Unit.

Generally, access to the police facility may be obtained either through the public lobby, or with an authorized proximity card. Access to the police facility should be granted in adherence to the following guidelines:

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(a) Department members should be granted access to all except restricted areas 24-hours per day.

1. Sworn department members and qualified civilian staff should also be granted access to the jail.

2. Department members may be granted access to restricted areas while assigned to work within that area, or with the authorization of a Division Commander.

(b) All city employees may enter the police facility at any time during business hours and without escort provided the city employee maintains a valid city identification card visible on their person at all times or is wearing an authorized city uniform displaying the city seal. These employees may access the police facility by entering through the public lobby, showing their valid city identification, and being allowed into the police facility.

1. Limited city employees may be granted automatic and/or afterhours access to the police facility with a proximity card upon the completion of a limited background investigation and the authorization of their Department Head and the Professional Standards Unit. The hours and/or days in which access is granted may be limited as deemed appropriate to their function.

(c) Sworn members of allied law enforcement and/or other partner agencies may enter the police facility at any time with or without escort, provided the member maintains a valid badge and/or identification card from their employing agency visible on their person at all times.

1. Some members of allied agencies and/or other partner agencies may be issued a proximity card and granted automatic access to the police facility with the authorization of the Professional Standards Unit. The hours and/or days in which access is granted may be limited as deemed appropriate to their function.

(d) All other persons should be escorted at all times when in the police facility.

1. The Chief of Police or his/her designee may authorize other persons access to the policy facility via proximity card.

It shall be the responsibility and duty of all employees to see that this order is strictly enforced to maintain police facility security. Inquiries of individuals inside the police facility should be done in a courteous, professional manner. Any violations of this policy should be reported to the Watch Commander.

Department members should not loan or give their proximity card to any unauthorized persons. Department members should immediately report to the Watch Commander any lost or stolen proximity cards.

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385.2.2 DAY ROOMS

On occasion officers may be required to work unusually long hours, may require unusually extensive travel-time, or may live a significant distance from the City of Chula Vista. With this understanding the department may provide "Day Rooms" within the police facility to allow employees a temporary place to sleep for brief periods of time.

Access to the temporary use of a Day Room may be authorized by the on-duty Watch Commander. The Watch Commander should maintain a record of which Day Rooms are currently occupied and by whom. Keys to Day Rooms should be returned to the Watch Commander immediately after use.

Day Rooms are limited to single occupancy, and no more than one employee shall occupy any single Day Room at the same time. All department policies, procedures, and rules governing employee conduct apply to the use of Day Rooms. Day Rooms are the property of the Chula Vista Police Department. There is no individual right to privacy while occupying a Day Room. The use of a Day Room is a privilege provided by the Department, and not a right, which may be revoked at any time. The Department reserves the right to enter or inspect Day Rooms, or to order a Day Room vacated, at any time and for any reason with or without cause.

Employees are reminded that Day Rooms are typically situated in close proximity to each other. Noise levels should be kept at a minimum while inside or around Day Rooms.

385.2.3 UNAUTHORIZED WEAPONS OR SUSPICIOUS PACKAGES

Any employee who suspects a person has brought an unauthorized weapon or suspicious package onto the property of the police facility shall immediately notify a sworn officer or the communications center.

385.2.4 KEYS TO THE POLICE FACILITY

The following persons may be issued a door key that opens exterior doors to the police facility:

- Chief of Police
- Command Staff
- Lieutenants and mid-managers
- Other persons with the approval of the Chief of Police

All other Department members are prohibited from possessing a door key that opens any exterior door to the police facility.

Only those persons assigned to a specific office within the police facility may possess a key to that office or office area. When persons leave or separate from that office, that person should turn over their key to their immediate supervisor.

No Department member shall create or duplicate any police facility door keys.

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385.2.5 POLICE FACILITY PARKING

(a) All vehicles parked in the parking structure will be parked in marked stalls. All City owned vehicles will be parked in their assigned space. Privately owned vehicles are not to be parked in reserved areas unless the space is assigned to them.

(b) 30-minute parking: all floors have designated 30-minute parking spaces which are to be used for loading and unloading of vehicles only.

(c) The front parking lot is designated for visitors to the police facility and is for use by private persons only. Employees shall not park their personally owned vehicles in the visitors parking lot.

(d) Vehicles shall not be left unattended on any tunnel or ramp within the parking structure.

(e) Sally Port: The parking spaces within the sally port are for temporary use while booking or receiving prisoners. Employees are to move their vehicles as soon as possible once a prisoner has been secured.

(f) The maximum speed of the parking structure is 10 MPH.

(g) The GVW per vehicle weight limit on the first and second floor is 6000 lbs. Any vehicles with a GVW in excess of 6000 lbs shall park in the basement only.

(h) Storage of privately owned vehicles is prohibited without the permission of the Department. Permission may be granted by the Professional Standards Unit or any Department supervisor. Vehicle storage is generally reserved for employees who will be attending a lengthy school or other extended assignment. Storage is defined as 72 hours or longer.

(i) Testing of sirens or other loud equipment in the parking areas is prohibited due the facility's proximity to a residential area.

(j) It is the responsibility of all Department supervisors to take appropriate action when this section is violated.

(k) All Department personnel should be alert for unauthorized or suspicious vehicles within the parking structure. For security reasons, any unauthorized or suspicious vehicles should immediately be reported to a supervisor.

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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 Chula Vista 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 drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

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

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

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. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer's senses or judgment.

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.

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(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

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

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 an Chula Vista Police Department officer until acknowledged. Official identification should also be displayed.

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 CIVILIAN RESPONSIBILITIES

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

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 the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

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

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Labor Disputes and Public Demonstrations

387.1 PURPOSE AND SCOPE

The parties involved in labor disputes and public demonstration have rights as well as responsibilities. Demonstrators have a constitutional right to peacefully protest and to persuade others to honor picket lines as long as their activities do not violate statutory laws such as trespass, disturbance of the peace or disorderly conduct. As such, officers have the obligation to protect those persons engaged in such activity.

While protestors may assemble and demonstrate peacefully to bring attention to their cause, they do not have the right to intimidate others or to physically impede private business. Employers and businesses have a right to keep their business open, operational, and free from undue interference, intimidation, damage, or destruction. Non-striking employees, customers, and other persons have the right to enter or leave the site of any labor strike.

Within this context, employees assigned to details relating to labor disputes or public demonstrations should deal with all parties in a fair and impartial manner, while upholding the Department's responsibility to protect life, property, and the legal rights of all parties involved.

387.2 OPERATIONAL COMMAND

The Watch Commander shall be responsible for the overall command of any police operation relating to labor disputes, strikes, picket lines, public demonstrations or other incidents of organized civil disobedience, unless other authority is designated by a member of Command Staff. Depending on the nature and scope of the operation, a separate on-scene incident commander may also be designated.

387.2.1 STAFFING AND EQUIPMENT REQUIREMENTS

In determining the appropriate staffing and equipment needs of an operation, the incident commander or Watch Commander should consider, at a minimum, the following factors:

- The number of persons participating in the demonstration, and intelligence about their conduct and behavior
- The number of other persons, including non-strikers, anti-strikers and bystanders
- Whether private businesses will attempt to stay open during the incident and whether any non-striking employees will attempt to enter the premises (i.e. crossing a picket line)
- The level of cooperation of all involved parties

When the incident commander or Watch Commander determines that personnel and equipment requirements are beyond the capability of the Department's resources, a request for mutual aid assistance shall be made to the on-call Division Commander in accordance with §352.2 of this Policy Manual.

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387.2.2 RESPONSIBILITIES OF OPERATIONAL PERSONNEL

The duties and responsibilities of employees assigned to an operation concentrate their efforts on the following five primary goals:

- Protect life and prevent personal injury
- Protect personal and public property
- Maintain order
- Direct traffic control in affected areas where appropriate
- Protect the statutory and constitutional rights of all involved parties

Law enforcement officers should not enter a property under dispute, except for official business. Officers should not park their vehicles on the property, use management's phones, or fraternize with parties of the dispute. At a dispute location, both labor and management may have food and beverages available for their personnel. Officers should not accept any gratuities, including any form of employment, from labor or management involved in a dispute.

Employees should take all reasonable measures to protect the rights of all parties. Attempts by either party to prevent the free exercise of the rights of any persons should be brought to the attention of the appropriate strike leader or management supervisor. Failure of these individuals to assist in taking corrective action will warrant police intervention. If necessary, officers shall provide physical breaches in picket lines to allow pedestrians and vehicles to cross safely.

387.2.3 GUIDELINES FOR ENFORCEMENT ACTION

Upon the conclusion of a labor dispute, labor and management often agree to withdraw all pending criminal and civil complaints. For this reason and others, the arrest of persons for minor violations of the law is not recommended unless reasonably necessary. Reasonable is to maintain order to prevent escalations.

When necessary, the use of citizen arrest procedures is recommended. Department employees receiving reports of unlawful acts committed outside the employee's presence shall attempt to verify that the unlawful acts were actually committed. Employees should first attempt to resolve such conduct by communicating with demonstration leaders, union representatives, management personnel, or other leaders of the involved parties. Leaders should be warned that violations of law may result in the arrest of violators. Thereafter, private persons arrests should be made when reasonably necessary.

When a felony is committed at the scene of a dispute, and if sufficient probable cause is established, the suspect(s) should be arrested. Whenever an officer anticipates an arrest, and when reasonably possible, demonstration leaders should be notified and a request for assistance should be made prior to the officer's attempt to take the person into custody. Once an arrest is accomplished, the arrestee should be removed from the area immediately.

Persons committing other unlawful acts of a significant nature, or those persons who persist in committing minor unlawful acts in the presence of an officer, are subject to arrest. When

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considering enforcement action or making a physical arrest employees should consider, at a minimum, the following factors:

- The availability of adequate numbers of suitably equipped personnel to insure the control of the scene and safety of involved parties.
- The seriousness of the offense in comparison to the risk of inciting violence or other unlawful behavior by taking enforcement action.

Whenever reasonably practical, the approval of a supervisor should be obtained prior to making any arrests.

When required to physically remove a resisting but otherwise peaceful person from the scene of a demonstration, "lift and carry" teams have been found to be effective.

Acts of verbal abuse against any involved party that are not accompanied by threats of violence should not be the sole reason for taking enforcement action. However offensive language that incites violence or other unlawful acts may justify physical removal and/or arrest when necessary.

Consumption of alcohol by picketers or others should be discouraged, and persons who fail to abide with open container, public consumption, public intoxication, or related laws are subject to arrest.

For large events, one or more designated arrest teams may be established. The arrest teams should consist of two or more officers who will be responsible for making arrests. In addition, booking/processing teams may be established to document all information required for the arrests, and transport teams may be established to transport arrestees to the police station for detention. Mass arrests kits should be prepared, consisting of arrest forms, cameras, flex cuffs, and photocopies of relevant statutory authority.

387.2.4 INJUNCTIONS

An injunction/temporary restraining order is a writ or order of the court, restraining a person or group of persons from doing a particular act (Code of Civil Procedure § 525), and is a civil process. It is not the duty of law enforcement to enforce an injunction or a temporary restraining order at a labor dispute or other demonstration.

Exceptions to this may be court orders that are specifically directed to the Sheriff or Chief of Police, properly filed with the Department, ordering the enforcement of the writ or order.

Violations of an injunction are treated as contempt of court. If either party desires legal recourse, the respective attorneys should be directed to file such action in the court of issuance. When necessary, arrests may be made pursuant to Penal Code § 166(4).

387.3 INTELLIGENCE

One of the most important tools for avoiding disruptive and/or violent protests is the development of proactive intelligence. Intelligence should be gathered by the Special Intelligence Unit (SIU) regarding significant upcoming events in Chula Vista and the surrounding communities, as well as any potentially dangerous groups or individuals. Any field intelligence gathered by officers

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should be immediately forwarded to the Intelligence Unit for entry into the intelligence database and further analysis.

387.4 ABORTION PROTESTS

There are multiple abortion clinics within the City of Chula Vista, and abortion protests have historically had a significant potential for violence. In addition to the California Penal Codes relevant to the conduct of public demonstrations, officers should be familiar with the Freedom of Access to Clinic Entrances Act of 1994 (18 U.S.C. § 248, commonly called the FACE law). The FACE law protects abortion clinics, crisis pregnancy centers, physicians' offices, other reproductive clinics, and religious centers by prohibiting the use of threats or violence to prevent people from seeking reproductive health services or exercising their First Amendment right of religious freedom. The FACE law also prohibits the intentional damaging or destruction of reproductive health facilities or religious centers, and provides for both criminal and civil penalties.

The more extreme abortion protesters may display pictures of aborted fetuses and abortion procedures. While these pictures may be disturbing, they do not meet the legal threshold of "obscene or harmful matter" established by Chapters 7.5 and 7.6 of the California Penal Code, and as a result are not unlawful to display in public.

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Marsy's Law

389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide procedures and guidelines to ensure compliance with Proposition 9, Marsy's Law.

On November 4th, 2008, California voters passed Proposition 9, a Constitutional Amendment known by its common name, Marsy's Law. Marsy's Law creates a number of personally held and enforceable constitutional rights for victims of crime. It further expands the definition of "victim" to include not only the immediate target of criminal activity, but the person's spouse, parents, children, siblings or guardian, as well as the lawful representative of a crime victim who is deceased, a minor, or physically or psychologically impaired. Marsy's Law is codified in Penal Code section 679.026, "Notice of Victims' Bill of Rights."

The statute has two provisions requiring law enforcement to implement Marsy's Law. Section 679.026 (b) provides: Every victim of a crime has the right to receive without cost or charge a list of the rights of victims of crime recognized in Section 28 of Article I of the California Constitution. These rights shall be known as "Marsy's Rights." It shall be the policy of the Chula Vista Police Department to follow the guidelines outlined in Proposition 9, Marsy's Law, for the purposes of notifying victims of their rights under the California State Constitution.

389.1.1 MARSY'S LAW DEFINITIONS

Victim: Defined under California Constitution, Article I, Section 28(e). Every "victim" of crime, as defined in that section, is entitled to a Marsy's Card. A "victim" is a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term "victim" also includes the person's spouse, parents, children, siblings or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term "victim" does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim.

389.1.2 MARSY'S LAW LEGAL REQUIREMENTS

(a) Section 679.026(c) (1) provides: "Every law enforcement agency investigating a criminal act and every agency prosecuting a criminal act shall, as provided herein, at the time of initial contact with a crime victim, during followup investigation, or as soon thereafter as deemed appropriate by investigating officers or prosecuting attorneys, provide or make available to each victim of the criminal act without charge or cost a "Marsy's Card" **Notice: this section does not pertain to victims of specific crimes, but to "every victim of a crime."**

(b) Distribution of the Marsy's Card: All Officers assigned to operations in the field who may investigate crimes and identify and contact victims, shall have a supply of Marsy's Cards with them. Whenever an officer conducts an investigation, each victim, as

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defined under Marsy's Law, shall be given a Marsy's Card. Officers may leave copies for any "victims" who are not present, or may ask those that receive the card to share it with others. Officers have met the mandate of the law when they provide victims with a copy of the Marsy's Card. The successful distribution of Marsy's Cards shall be recorded in the case report. Officers not assigned to field operations, such as detectives, may come in contact with additional victims who were not present when the preliminary investigation was conducted and who are entitled to receive a Marsy's Card. It shall be the detective's responsibility to provide these victims with Marsy's Cards as appropriate.

(c) On the Crime/Incident report in the Victim/Witness section, please include an email address of the victim in the "Additional Information" section of the form. This will assist detectives and prosecutors in complying with their notification requirements under Marsy's Law.

(d) At the end of the summary section of your narrative report (section 1) include a sentence documenting to whom you provided a Marsy's Card.

(e) Officers taking phone reports shall fax or email the victim a copy of the Marsy's card via the following email account: "cvcad/cvpdmail". The password is "12345".

(f) If the victim cannot be faxed or emailed, the officer shall mail the victim a Marsy's Card.

(g) The officer shall note the method of delivery for the Marsy's card notification in the summary portion of the report narrative.

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Critical Response Initiative, Point of Distribution (CRI/POD)

393.1 PURPOSE AND SCOPE

In the event of a critical incident where City personnel, including police officers and other City service employees, may be exposed to biological weapons such as Anthrax, the Chula Vista Police Department will have a systemic response in place for distribution of antibiotic medication to all City employees and their family members. This system is in compliance with protocols developed by the San Diego County Critical Response Initiative (CRI) and this participating agency is a dedicated Point of Distribution (POD).

393.1.1 PROCEDURES

(a) In the event of a critical incident where the Emergency Operations Center (EOC) determines that the Chula Vista Police Department will activate the CRI/POD system, the EOC will notify the on-duty Watch Commander. The Watch Commander shall do the following:

1. The Watch Commander will acknowledge the EOC request and activate the POD immediately
2. The Watch Commander will facilitate the movement of the medication from the Quartermaster's office to the Community Room for distribution.
3. The Watch Commander will designate at least three people to staff a POD distribution table.
4. POD staff will assemble distribution packets with the following items:
   - Plastic bag
   - Boxes of Meds (3 boxes, numbers 1, 2, and 3)
   - Message from the Public Health Officer form
   - Use of the Antibiotic Doxycycline During a Public Health Emergency Event form
5. POD staff will ensure that every employee and their immediate family members follow this procedure:
   - Employee shall fill out the CRI Med Tracking form (one per family)
   - Employee receives the plastic bag with the correct number of doses
   - Employee receives the appropriate forms listed in section 4 above
6. The Watch Commander will notify the City EOC once the POD is operational

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7. Upon completion of the POD, POD staff will ensure the completed tracking forms are turned in to the Watch Commander who will be responsible for returning them to the EOC.

(b) These instructions are also maintained as a checklist at the point of storage for the medication to be distributed. The Department's Emergency Services Coordinator or his/her designee will provide annual training for POD activation. Review of this policy or other relevant written material regarding a POD activation shall satisfy this requirement.

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Site Emergency Action Plan / Evacuation

395.1 PURPOSE AND SCOPE

The purpose of this policy is to comply with the California Department of Occupational Safety and Health Agency (Cal/OSHA) requirements outlined in the General Industry Safety Order, Section 3220, which requires all employers to have a written Emergency Action Plan for each work site. In addition to this policy, an updated emergency action plan is located in the Watch Commander's office by the Emergency Services Coordinator and Site Emergency Coordinator.

It shall be the policy of the Chula Vista Police Department and its employee and volunteers to provide and adhere to a site emergency action plan in order to protect the safety and welfare of all personnel in the Chula Vista Police Facility.

395.2 ROLES AND RESPONSIBILITIES

(a) Emergency Services Coordinator / Site Emergency Coordinator: The Chula Vista Police Department will assign an individual to be the Emergency Services Coordinator (ESC). This person or their designee will serve as the Site Emergency Coordinator (SEC).

(b) The Site Emergency Coordinator (SEC):

1. The SEC will ensure that the police facility maintains Floor Warden Evacuation Packets throughout the building containing proper equipment and an up-to-date personnel roster and contact information.
2. The SEC will attend/provide all required training as it relates to site evacuation.
3. The SEC will ensure that the Dispatch Manager and Detention Facility Manager are in compliance with all required evacuation procedure training and testing.
4. The SEC will coordinate all test evacuations.

395.3 POLICE FACILITY EVACUATION PROCEDURES

(a) POLICE FACILITY: This plan is provided for the safety of all Police Department employees and visitors during an emergency that requires evacuation of the Police Facility. When directed to do so by the Watch Commander (or their designee), all employees, volunteers and visitors must evacuate the building immediately, regardless of whether the evacuation is a drill or the result of an actual emergency.

1. The Watch Commander shall announce the evacuation over the intercom system
2. Managers or supervisors or their designees shall ensure the following:
   - Ensure all employees and visitors in your work area have evacuated the building

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- Ensure employees receive any physical assistance they require to evacuate
- Take roll at the evacuation area to confirm that all of your employees have evacuated safely

3. Floor Wardens shall ensure all common areas (restrooms, break areas, etc.) on your assigned floor have been evacuated.
4. Each designated area in the Police Facility has a Floor Warden Evacuation Packet. The packets contain the following:
   - A list of areas to be cleared of personnel during an evacuation (i.e.: common areas to search)
   - A safety vest to be worn by the Floor Warden
   - A personnel roster of all individuals assigned to a work area
   - A contact roster for all personnel that may be in the police facility at any given time.
5. The manager, supervisor or their designee shall obtain the packet from their work area. They will assign a Floor Warden and provide them a safety vest. They will then proceed to the assigned staging area and record all personnel that are present. The manager or supervisor may assign themselves as a Floor Warden.
6. The Watch Commander will contact the manager or supervisor from each designated area and take roll. Managers and supervisors will use the pre-printed evacuation contact rosters to locate individuals not present, thereby identifying personnel who may still be inside the building.'
7. The Watch Commander will have a Floor Warden packet in the Watch Commander's office that will have a complete personnel roster of all those who may be in the facility at any given time.
8. Assigned Floor Wardens are expected to make reasonable efforts to clear assigned areas prior to exiting the building, with the understanding that the ability to do so will vary depending on the nature of the emergency.
9. Floor Wardens are not expected to put their own safety in unreasonable jeopardy in order to clear all areas.
10. The Police Department Emergency Services Coordinator / Site Emergency Coordinator will ensure that the Floor Warden Packets are updated every six months and that Managers and Supervisors are aware of the packet location in their work area.

(b) Evacuation Routes

1. The evacuation routes posted throughout the building should always be used during evacuation drills and should be used whenever possible in the event of an actual emergency. If your normal evacuation route is not passable during an actual fire or other emergency, use the best available exit.

(c) When Directed to Evacuate

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1. Upon hearing the evacuation order, LEAVE IMMEDIATELY, regardless of what you are doing. Do not stop and gather valuables, as any delay could prevent you from evacuating safely.
2. If you smell smoke, do not open your door until you feel for heat. If it is hot to the touch, leave it closed and use another exit if possible. If another exit is unavailable, place wet towels at the openings of the door to prevent smoke from entering the room. Try to attract the attention of rescue workers by waving and/ or shouting, and open any window shades to allow rescue workers to see into the room.
3. If the door is not warm, open it cautiously, being conscious of smoke or noxious fumes. If fumes or smoke are absent, proceed to the nearest fire exit per posted evacuation routes.
4. Personnel should walk, not run, to prevent injury
5. DO NOT USE ELEVATORS during an emergency
6. In the event of an emergency, fire protection curtains will drop in front of all elevators and hallway doors will close automatically. Although closed, hallway doors will not be locked.

(d) Upon exiting report to the closer of these two evacuation areas:

1. Parking log on the East side of the Chula Vista Main Library (Corner of Garrett and F Streets)
2. parking lot of the Parkway Gymnasium (385 Park Way, corner of Fourth Avenue and Park Way

(e) Managers and supervisors will be responsible for taking roll at the evacuation areas to ensure all of their employees have reached the evacuation area safely.

(f) If the Watch Commander deems necessary, the Mobile Command Post should be moved to the southeast corner of the Main Library Parking Lot. The Command Post may be used as a mobile Emergency Operations Center or Communications Center depending on need. The location of the Mobile Command Post my vary depending on the nature of the emergency.

(g) Electronic copies of the Site Emergency Action Plan are stored on the City network at "H:\emergency action plans/PD Evacuation Plan". The plan will be provided to new employees on their first day of employment and will be updated on an annual basis.

395.3.1 DETENTION FACILITY EVACUATION SPAN AND CONTROL

When on duty, the Detention Facility Manager (DFM) will direct the staff during an evacuation. Each Detentions Officer (DO) is expected to implement the evacuation procedures without the necessity of supervision. If the DFM is not available or on duty, the DO's will implement the evacuation procedure identified in this policy without additional direction and without delay.

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In the event of a building evacuation, the Watch Commander will ensure that the DO's have acknowledged the evacuation order and will provide additional officers as needed to ensure the safety of the prisoners and to provide security during the evacuation.

395.3.2 DETENTION FACILITY EVACUATION

It shall be the responsibility of the Detention Facility Manager to ensure that all members of the detention facility staff receive initial training of evacuation and fire suppression procedures. During the calendar year, the Detention Facility Manager will ensure that the staff receives the listed training in addition to the training contained in the board of Corrections Training Bulletin 2002-6-03.

- Each staff member will receive refresher training on the evacuation plans
- Each staff member will receive refresher training on the use of fire suppression equipment.
- Each staff member will receive refresher training on the use of smoke hood or other breathing assistant equipment.
- There will be a minimum of two mock evacuation drills so that the staff can demonstrate their ability to implement evacuation plans and the use of fire suppression equipment.
- The mock evacuation drills will utilize the services of the Fire Department to evaluate the staff's efforts and allow the staff to learn to work effectively with fire fighters.
- The DFM will document the training and the office specialist will maintain those records for audits

395.3.3 DETENTION FACILITY CONSTRUCTION AND SAFETY DEVICES

The Detention Facility is located below ground level and has a concrete base and concrete block wall construction. The bunks are made of steel and the fixtures are made of aluminum. There is constant video monitoring of the cells and the facility, and each cell is also equipped with an audio communications device. All cell dormitory doors can be opened electronically or manually. The facility meets earthquake standards in effect at the time construction was implemented (2002).

- The entire Police Facility has a central fire alarm system that consists of both an audible alert and strobe lights
- The entire Police Facility has a fire sprinkler system
- There are two automated fire doors located on the east side of the Detention Facility that close off the Sally Port from the driveway and parking garage.
- There are fire extinguishers in the sally port, control room and east hallway.
- There is a fire suppression stand pipe located in the east hallway.
- Chula Vista Fire Station #1 is located less than 1,000 feet from the facility.

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- The mattresses, pillows, sheets and blankets used by the prisoners shall meet all federal and state standards for flammability in a confinement setting. The stat sheets for those items are on file in the Detention Facility and available for inspection.

395.3.4 EVACUATION

Staff must constantly evaluate their preparedness to meet any emergency or combination of emergencies. Staff is instructed that these guidelines are designed to meet general threats but that individual emergency circumstances will dictate the course of action and each staff member must be prepared to adapt to changing threat levels.

395.3.5 FLOOR WARDEN

In the event of an evacuation, the Manager or Supervisor on duty will obtain the Floor Warden Evacuation Packet containing a Floor Warden Vest, Jail Staff Roster and the Custodial Roster of all current inmates. The Manager or Supervisor will assign themselves or another to be the Floor Warden. The Floor Warden will don the vest and clear all designated areas to ensure that all people are aware of the evacuation and are exiting the building. The Manager or Supervisor will take the Jail Staff Roster and Inmate Rosters to the staging area and conduct roll.

395.3.6 DETENTION FACILITY EVACUATION EXITS AND ROUTES

EXITS

- South Door of the Booking and Receiving area: Exit the door and step into the vehicle sally port area. If the fire alarm has been activated, the fire doors will be down. Exit to the driveway through the door located between the fire doors. Afterward, exit the driveway to "F" Street or through the parking garage onto Garrett.
- North Side of the Booking and Receiving area: Exit the door and step into the elevator reception area. Stairwell #5 is located immediately to the right.
- Off the South Hallway near the Interview rooms: Exit through the east doors into the hallway. You may then either exit through the parking garage or utilize Stairwell #3

DO NOT USE ELEVATORS. You cannot determine or see the danger at the location where the elevators will open. The elevator may malfunction as a result of the emergency and the elevators might be needed by fire personnel to access other portions of the facility.

395.3.7 EMERGENCIES INSIDE OR OUTSIDE THE DETENTION FACILITY

(a) In case of an emergency initiated inside the Detention Facility, staff is directed to follow the procedures listed below:

1. Immediately notify the Communications Center via radio that you have an emergency in the Detention Facility. Describe the nature of the emergency and what assistance you require.

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2. If the threat involves fire, then immediately after notifying Communications, activate the nearest fire alarm.
3. Place your smoke hood on and activate the unit. Remember, if you become incapacitated from smoke, you will not be able to evacuate yourself or prisoners.
4. Relocate any prisoners in the immediate area who may be in danger from fire or smoke to another location within the facility.
5. Locate a fire extinguisher and take immediate action to suppress the fire. Because the facility is equipped with a sprinkler system, staff should encounter only small fires.
6. If the fire is too large and the fire extinguisher is ineffective, begin immediate evacuation of the Detention Facility.

(b) In case any emergency initiated outside the Detention Facility, staff is directed to follow the procedures listed below:

1. Upon activation of the emergency notification system (alarm with flashing strobe), immediately contact the Watch Commander to determine the nature and location of the threat.
2. Due to the location of the Detention facility (below ground level) and the various architectural and fire protection technology incorporated into the building design, it might not be necessary to evacuate the facility immediately. However, as a precaution, staff is instructed to notify the Watch Commander of the number of prisoners currently inside the facility and to request assistance in relocating the prisoners.
3. Prepare the prisoners for evacuation. In most cases prisoners will be cuffed and removed from the cells. Suspects in custody for violent felonies will be placed on the walking chain. Check the outside video monitors to determine any threats and the safest route of evacuation.
4. Unless there is an immediate threat to life, DO's will wait for armed escort before leaving the facility. Prisoners will then be escorted from the facility to safety.

(c) Immediate danger to life: If the threat is immediate and taking time to cuff all of the prisoners would threaten the safety of the staff or prisoners, only violent felons will be cuffed. All others prisoners will be allowed to exit the facility without restraints. Other than the use of the walking chain, shackles shall not be used. Once at the rally point, leg irons and shackles may be used to maintain security and ensure public safety.

(d) Earthquakes: The procedures for evacuating the facility after an earthquake will be similar to those for a fire with the addition of the following procedure:

1. A staff member will personally walk the potential evacuation route first to ensure that it has not been blocked by debris or other hazard that might prevent using that particular route.

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395.4 DETENTION FACILITY / JAIL FACILITY EVACUATION

It shall be the policy of the Chula Vista Police Department that the highest priority is assigned to the preservation of life and the safe evacuation of all persons that are housed inside the detention facility. The Department will comply with all of the procedures and directives contained in section 13146.1 of the Health and Safety Code; Section 1032, Title 15 of the California Code of Regulations; Title 24 of the California Code of Regulations (those sections applicable to Type I facilities); and section 2002-6-03 of the Board of Corrections Training Manual on Fire and Life Safety.

395.4.1 RALLY POINT / STAGING AREA

All prisoners will be taken to the Parkway Gymnasium at 385 Park Way, for temporary housing and security. If the Parkway Gymnasium is damaged or unusable, the secondary rally point will be the parking lot at 276 Fourth Avenue.

395.4.2 HOUSING DISPLACED PRISONERS

If the Detention Facility cannot be occupied after the evacuation, the following arrangements will be made:

- All felons will be transported and booked at County Jail
- Misdemeanants will be released on their own recognizance
- Persons being held on misdemeanor warrants will be issued a new notice to appear
- State and Federal Prisoners will be released immediately back to their respective agencies

The Detention Facility Manager or designee will determine occupancy standards after consulting with the Fire Department and inspectors from the Building and Housing Department.

395.4.3 COMMUNICATION CENTER EVACUATION PROCEDURES

(a) The following procedures describe the steps that will be taken to evacuate the Communications Center in the event of a natural or manmade disaster that renders the facility unsafe:

1. Call the National City Police Department and request that they activate the E-9-1-1 Alternate Answering Switch
2. After NCPD has advised that the switch has been activated, a 911 call will be placed from the CVPD Communications Center to ensure that 911 calls are being redirected to the NCPD Communications Center. Once this has been confirmed, the Police Dispatch Supervisor will ensure that field units are made aware of the evacuation and then will direct all staff to evacuate the Police Facility.
3. The PDS will take a portable radio in order to maintain radio contact with officers in the field.

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4. The PDS or Communications Center Manager will obtain the Floor Warden Evacuation Packet and assign a Floor Warden. The Manager or Supervisor may designate themselves as Floor Warden.
5. The Floor Warden will don a safety vest and clear the assigned areas of personnel
6. Staff will follow the instructions posted on the Emergency Exit Plan, which is mounted on the wall near the east entrance to the Communications Center.
7. Exit the Communications Center through the east door and descend the east staircase.
8. The Floor Warden is responsible for verifying that all personnel have evacuated the Communications Center and will generally be the last person to evacuate.
9. The Floor Warden or Supervisor or designee will post the Evacuation notice on the door to ensure that any employees returning to the Communications Center after has been cleared are aware of the evacuation.

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Protocol for Southwestern College

396.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines by which to document crimes, incidents and arrests originating on the Southwestern College campus located at 900 Otay Lakes Road in Chula Vista. Additionally, this policy establishes guidelines by which the Chula Vista Police Department and the Southwestern College Police Departments process arrests, bookings, evidence, and reports. This policy is not intended to supersede existing Mutual Aid agreements currently in place to provide assistance in emergency situations. This policy is intended to complement and comply with the Memorandum Of Understanding between the City of Chula Vista, the Governing Board of Southwestern College and the Southwestern College Police Department.

396.2 POLICY

The Southwestern College Police Department will be the primary reporting and investigating agency for all crimes and infractions occurring on the Southwestern College Campus with the exception of those crimes described as "Part I Violent Crimes" as set forth in Education Code Section 67381(i)(2). All other areas outside the Southwestern College campus controlled boundaries shall remain the responsibility of the Chula Vista Police Department.

396.3 DEFINITIONS

Authority: The Southwestern College Police Department personnel have the rights, authorities and powers of peace officers as set forth in Section 830.32 (a) of the California Penal Code. The Southwestern College Police Department personnel have been authorized by the Southwestern College Governing Board to carry firearms pursuant to the terms and conditions outlined in Penal Code 830.32 and Education Code sections 89560 and 67381.

Responsibility: The primary responsibility of Southwestern College Police Department is the enforcement of law on the property of the Southwestern College Campus College at 900 Otay Lakes Road or other properties within the Chula Vista city limit, which are owned, operated, controlled or administered by the Southwestern College District as set forth in section 72330 of the California Education Code.

Joint Jurisdiction: The enforcement of applicable federal, state or municipal regulations within the respective areas may be accomplished by both the Southwestern College Police Department and the Chula Vista Police Department. Whenever possible, personnel from the Southwestern College Police Department will take action as necessary to contain a situation or arrest persons in violation of the law. There may be times when the Southwestern College Police Department may deem it necessary to request assistance from the Chula Vista Police Department in order to effectively investigate or suppress crime. In such instances the Southwestern College Police Department may request assistance from the Chula Vista Police Department. The Chula Vista Police Department will allocate such resources at the discretion of the on-duty Watch Commander as designated by the Chief of Police.

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Southwestern College Police Department (SWCPD): Formerly known as the Southwestern Community College District Campus Police (SWCCDCP)

Southwestern College Campus: Geographic Boundaries consisting of approximately 156 contiguous acres located at 900 Otay Lakes Road in the City of Chula Vista.

Part I Violent Crime as defined by Education Code 67831(i)(2): Willful homicide, forcible rape, robbery and aggravated assault, as defined in the Uniform Crime Reporting Handbook of the Federal Bureau of Investigation.

396.4 ARRESTS

(a) Southwestern College Police Officers have the authority to make arrests pursuant to Penal Code 830.32.

(b) The Southwestern College Police Department shall be responsible for approving all arrests; including felony bookings, misdemeanor citations, releasing a subject on their Own Recognizance (O.R.), and releases pursuant to Penal Code 849 (b).

(c) Southwestern College Police Officers shall contact the Chula Vista Police Department's on-duty Watch Commander and brief them on the arrest before transporting a prisoner to the CVPD jail facility. The Watch Commander may refuse to accept a prisoner if, in his/her opinion, sufficient probable cause for the arrest does not exist.

(d) All Southwestern College Police bookings shall have a Southwestern College Police Supervisor's approval signature before transporting a prisoner to the jail facility.

(e) The Southwestern College Police Department shall be responsible for completing all arrest reports, fisch chits, Probable Cause forms, use of force forms, evidence forms and prisoner property forms per the policies, procedures and rules of the Chula Vista Police Department. Southwestern College Police Officers are expected to be familiar with the Chula Vista Police Department's policies regarding jail operations, use of force, evidence procedures, and reporting procedures.

(f) The Southwestern College Police Department shall be responsible for all psychological and medical clearances necessary for booking into the jail facility. The Southwestern College Police Department shall be responsible for all costs regarding the medical or psychological clearances of prisoners booked into the jail facility. In these instances, the prisoner must have a medical or psychological clearance stating that the prisoner is cleared for incarceration. In the event that the jail facility rejects a prisoner, the Southwestern College Police Department is responsible for transporting the prisoner to an approved booking facility.

(g) The Chula Vista Police Department's on-duty Watch Commander or Jail Commander has the right to reject prisoner intake into the jail facility for medical, psychological or other at-risk factors including violent behavior, intoxication, or jail capacity limits.

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(h) In general, the Chula Vista Police Department will not accept prisoners arrested only for drug or alcohol intoxication (i.e.: 647f PC or 11150 H&S). In such instances the Southwestern College Police Department may process the prisoner at the jail facility and transport the prisoner to an appropriate booking facility.

(i) The Chula Vista Police Department maintains an adult jail facility, not a juvenile facility. As such, the jail facility may only be used to photograph, fingerprint and otherwise process a juvenile prisoner under the supervision and responsibility of a Southwestern College Police Officer. Upon completion of booking, the Southwestern College Police Department shall be responsible for transporting the juvenile to an approved juvenile holding facility or for release to a responsible party.

(j) Southwestern College Police Officers shall be responsible for the security and safety of their prisoner at all times. Prisoners may not be left unattended at any point while they are being processed at the Chula Vista Police Department or its jail facility. If a prisoner requires medical attention, the Southwestern College Police Officers shall be responsible for the safety and security of The prisoner while in the hospital.

(k) All bookings into the jail facility are at the sole discretion of the Chula Vista Police Department's on-duty Watch Commander or the Jail Commander.

396.5 CASE REPORTING

(a) The Southwestern College Police Department is not an A.R.J.I.S. agency. As such, the Southwestern College Police Department requires the assistance of the Chula Vista Police Department's reporting protocols to properly book prisoners and report crime incidents. When notified of a specific crime, Southwestern College Police will take a crime report on the appropriate A.R.J.I.S. form(s) and collect any appropriate evidence.

(b) Upon taking a crime report, Southwestern College Police personnel will contact the Chula Vista Police Department Communications Center for a case number. A case number will be assigned and the Southwestern College Police Officer will be responsible for logging in evidence and filing the report. In cases where significant time and resources are spent by the evidence lab in processing evidence for the Southwestern College Police, the Chula Vista Police Department may seek reasonable reimbursement. In the event that there is no suspect information or there is no evidence to log, the Southwestern College Police Department may submit the reports together on a weekly basis.

(c) All Southwestern College Police case reports will follow standard processing and distribution procedures including review, logging, data entry and filing. Types of crime reports to be taken by Southwestern College Police personnel will consist of those stated above in this policy. The Chula Vista Police Department will be contacted by

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Southwestern College Campus Police regarding all Part 1 Violent Crime as defined by Education Code 67831(i)(2), as noted above.

(d) The Southwestern College Police Department is authorized to write hazardous and non hazardous citations and complete minor traffic collision investigations. The Chula Vista Police Department will continue to provide technical support in rare instances when circumstances exceed the expertise of Southwestern College Police personnel.

(e) The Southwestern College Police Department will stamp all case reports with the Southwestern College Police Department stamp or a similar identifier prior to submitting them to the Chula Vista Police Department. Names and ID numbers for all Southwestern College Campus Police Officers have been entered into the A.R.J.I.S. system and the Southwestern College Police Department will contact the Chula Vista Police Department with any new officers or changes in status of current officers presently employed with the agency.

396.6 SUBPOENAS

The Chula Vista Police Department will give all subpoenas received for Southwestern College Police Officers to the Southwestern College Police Department. Upon receipt of a subpoena, the Chula Vista Police Department subpoena desk will telephone the Southwestern College Police Department and notify them that a subpoena is ready to be picked up. The Southwestern College Police Department will be responsible for retrieving subpoenas and documenting the service thereof.

396.7 INVESTIGATIVE PROCESS

(a) Crime reports for which no arrests have been made will be forwarded by the Southwestern College Police Department to the Chula Vista Police Department Patrol Division report in basket as stated above. On request, the Chula Vista Police Department will provide A.R.J.I.S. data and crime analysis information related to the Southwestern College campus or its immediate vicinity.

(b) Properly authorized Southwestern College Police Officers may request criminal history information required for investigative purposes for any persons in custody. This information will be provided based on the verified credentials of the requesting officer and a compelling need for such information has been satisfactorily demonstrated under California Penal Code Section 13300 for access by peace officers designated as 830.32 (a) of the Penal Code.

(c) Chula Vista Police Department personnel and Criminal Investigative Division personnel will process the arrest and obtain the proper criminal complaint. The Criminal Investigations Division personnel and/or Crime Lab personnel will be called upon to conduct felony investigations when needed.

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396.8 CRITICAL INCIDENT RESPONSE

(a) It shall be the policy of the Chula Vista Police Department to respond to any critical incidents that occur within the city limits of the City of Chula Vista or the jurisdiction thereof. This policy includes the Southwestern College campus and the jurisdiction of the Southwestern College Police Department.

(b) In case of a critical incident on the grounds of, or in close proximity to, the Southwestern College campus, the Chula Vista Police Department will provide operational and logistical support as requested by the Southwestern College Police Department. In some instances a critical incident may exceed the operational capabilities of the Southwestern College Police Department. In such instances, the Chula Vista Police Department may assume operational control over the incident at the request of the Southwestern College Chief of Police or their designee. At that point, the incident would be considered a joint-jurisdictional incident.

(c) In the event of a joint jurisdictional incident it is not practical to share or split operational command. In such an event the Chula Vista Police Department would assume operational command of the incident and establish a unified command structure according to the National Incident Management System (N.I.M.S.) and the State Emergency Management System (S.E.M.S.) protocols. Officials with the Chula Vista Police Department would continue to work closely with officials from the Southwestern College Police Department in a unified command structure.

(d) The Southwestern College Police Department is responsible for establishing a school shooting or active shooter protocol with regard to the Southwestern College Campus.

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Community Relations

397.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

397.2 POLICY

It is the policy of the Chula Vista Police Department to promote positive relationships between members of the department and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

397.3 MEMBER RESPONSIBILITIES

Officers should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).

(b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.

(c) Work with community members and the department's community relations coordinator to identify issues and solve problems related to community relations and public safety.

(d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Officers carrying out foot patrols should notify an appropriate supervisor and the Communications Center of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform the Communications Center of their location and status during the foot patrol.

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397.4 COMMUNITY RELATIONS COORDINATOR

The Chief of Police or the authorized designee should designate a member of the department to serve as the community relations coordinator. He/she should report directly to the Chief of Police or authorized designee and is responsible for:

(a) Obtaining department approved training related to his/her responsibilities.

(b) Responding to requests from department members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(c) Organizing surveys to measure the condition of the department's relationship with the community.

(d) Working with community groups, department members and other community resources to:

1. Identify and solve public safety problems within the community.
2. Organize programs and activities that help build positive relationships between department members and the community and provide community members with an improved understanding of department operations.

(e) Working with the Operations Division Commander to develop patrol deployment plans that allow officers the time to participate in community engagement and problem-solving activities.

(f) Recognizing department and community members for exceptional work or performance in community relations efforts.

(g) Attending City council and other community meetings to obtain information on community relations needs.

(h) Assisting with the department's response to events that may affect community relations, such as an incident where the conduct of a department member is called into public question.

(i) Informing the Chief of Police and others of developments and needs related to the furtherance of the department's community relations goals, as appropriate.

397.5 SURVEYS

The community relations coordinator should arrange for a survey of community members and department members to be conducted from time to time to assess the condition of the relationship between the department and the community. Survey questions should be designed to evaluate perceptions of the following:

(a) Overall performance of the department

(b) Overall competence of department members

(c) Attitude and behavior of department members

(d) Level of community trust in the department

(e) Safety, security or other concerns

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A written summary of the compiled results of the survey should be provided to the Chief of Police.

397.6 COMMUNITY AND YOUTH ACTIVITIES AND PROGRAMS

The community relations coordinator should organize or assist with programs and activities that create opportunities for department members and community members, especially youth, to interact in a positive setting. Examples of such programs and events include:

(a) Department sponsored athletic programs (e.g., baseball, basketball, soccer, bowling).

(b) Police-community get-togethers (e.g., cookouts, meals, charity events).

(c) Youth leadership and life skills mentoring.

(d) School resource officer/Drug Abuse Resistance Education (D.A.R.E.®) programs.

(e) Neighborhood Watch and crime prevention programs.

397.7 INFORMATION SHARING

The community relations coordinator should work with the Public Information Officer to develop methods and procedures for the convenient sharing of information (e.g., major incident notifications, significant changes in department operations, comments, feedback, positive events) between the department and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media (see the department's Use of Social Media Policy).

(c) Department website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

397.8 LAW ENFORCEMENT OPERATIONS EDUCATION

The community relations coordinator should develop methods to educate community members on general law enforcement operations so they may understand the work that officers do to keep the community safe. Examples of educational methods include:

(a) Development and distribution of informational cards/flyers.

(b) Department website postings.

(c) Presentations to driver education classes.

(d) Instruction in schools.

(e) Department ride-alongs (see the Ride-Along Policy).

(f) Scenario/Simulation exercises with community member participation.

(g) Youth internships at the Department .

(h) Citizen academies.

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Instructional information should include direction on how community members should interact with the police during enforcement or investigative contacts and how community members can make a complaint to the department regarding alleged misconduct or inappropriate job performance by department members.

397.9 SAFETY AND OTHER CONSIDERATIONS

Department members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Department members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

397.10 COMMUNITY ADVISORY COMMITTEE

The Chief of Police should establish a committee of volunteers consisting of community members, community leaders and other community stakeholders (e.g., representatives from schools, churches, businesses, social service organizations). The makeup of the committee should reflect the demographics of the community as much as practicable.

The committee should convene regularly to:

(a) Provide a public forum for gathering information about public safety concerns in the community.

(b) Work with the department to develop strategies to solve public safety problems.

(c) Generate plans for improving the relationship between the department and the community.

(d) Participate in community outreach to solicit input from community members, including youth from the community.

The Training Manager should arrange for initial and ongoing training for committee members on topics relevant to their responsibilities.

The Chief of Police may include the committee in the evaluation and development of department policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

397.10.1 LEGAL CONSIDERATIONS

The Chief of Police and the community relations coordinator should work with the City Attorney as appropriate to ensure the committee complies with any legal requirements such as public notices, records maintenance and any other associated obligations or procedures.

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397.11 TRANSPARENCY

The department should periodically publish statistical data and analysis regarding the department's operations. The reports should not contain the names of officers, suspects or case numbers. The community relations coordinator should work with the community advisory committee to identify information that may increase transparency regarding department operations.

397.12 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(a) Effective social interaction and communication skills.

(b) Cultural, racial and ethnic diversity and relations.

(c) Building community partnerships.

(d) Community policing and problem-solving principles.

(e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

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Department Use of Social Media

398.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

398.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

398.2 POLICY

The Chula Vista Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

398.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member's chain of command.

398.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

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Examples of appropriate content include:

(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

398.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

398.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Chula Vista Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

398.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

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The Department may provide a method for members of the public to contact department members directly.

398.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

398.7 RETENTION OF RECORDS

The Administrative Services Division Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

398.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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Gun Violence Restraining Orders

399.1 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).

399.1.1 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).

399.2 POLICY

It is the policy of the Chula Vista Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

399.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

399.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

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(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

399.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the San Diego Sheriff's Department 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.

399.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Chula Vista Police Department Communications Center for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

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399.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.
2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

399.6 OTHER RESPONSIBILITIES

Chula Vista Police Department Property and Evidence shall maintain copies of receipts of surrendered firearms or ammunition surrendered or seized as a result of gun violence restraining order. (Penal Code § 18120).

Officers will ensure that all receipts of surrendered firearms and/or ammunition are scanned and entered into the appropriate NETRMS case folder. In the event that CVPD is asked to assist another agency or obtains and enforces a Gun Violence Restraining Order this investigation will be conducted under the direction of the Chula Vista Police Department Special Investigations Unit.

399.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

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399.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

399.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
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 Special Investigations supervisor for recording in appropriate databases and required notice to the court, as applicable.

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3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

399.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Special 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). After consideration for renewal is deemed relevant to the continued health and safety of the public, The officer who originally requested the order is responsible for renewal of the order prior to the expiration date (Penal Code 18108 (d).

399.11 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).

399.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

400.1.1 TERRORISM

It is the goal of the Chula Vista 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 Special Investigations Unit in a timely fashion.

400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all divisions and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily roll calls and to attend roll calls of other divisions or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and divisions.

400.2.1 CRIME ANALYSIS UNIT

The Research and Analysis Unit is the central unit for information exchange. Criminal information and intelligence reports can be submitted to the Research and Analysis Unit for distribution to all divisions within the Department.

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 appropriate unit for retention or follow-up investigation.

400.2.3 PATROL ROLL CALLS

Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol Roll Calls as time permits.

400.2.4 INFORMATION CLIPBOARDS

Information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. At a minimum these clipboards will include, but not be limited to, the patrol roll-call book.

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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 concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

400.4 POLICY

The Chula Vista Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Chula Vista. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

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(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(i) Directing and controlling traffic.

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Patrol Shift Scheduling

401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for the selection of patrol shifts, days off and annual vacations.

It is the policy of the department that patrol watch assignments shall be selected annually and by departmental seniority per the procedures set forth in this policy.

401.1.1 DEFINITIONS

Change over- The period between 6-month shifts. Shift change shall occur at the end of a 28-day pay cycle. Each 6-month shift should include at least 13 pay periods. This is generally the 4th Friday in June and the 2nd Friday in January.

Fiscal year - The 12month period starting on July 1 and ending on June 30 of the following year.

Shift - A six month period during which an officer works a watch. There are two shifts during a fiscal year: the June shift and the January shift.

Shift change - The transition between shifts. Shift changes occur in June and January.

Watch - The time of day when an officer works during their shift. Generally, these are categorized as 1st, 2nd and 3rd watches.

401.2 PATROL SHIFTS

Patrol shifts will be six months long. The shift change will occur at the end of a 28-day pay cycle in June (usually the 4th Friday), and the end of the 28 day cycle ending the first week of January (usually the 2nd Friday).

401.2.1 SHIFT SELECTION PROCESS

The following procedures are guidelines used for the shift selection process:

(a) Selection times will be assigned in 12-hour intervals. Signups are by rank and further by seniority within the rank or assignment (Canine officers). All ranks begin on the same date. All selection times will start at 12AM or 12PM.

(b) Patrol staff may select a shift at any point after their assigned time or when those senior have already chosen and the signups are ahead of schedule. Every 12 hours after their assigned time the next assigned Officer will be eligible to make a selection without waiting for the first officer's selection. Example: Officer A is assigned 1200 on 4/1/2012. If he or she has not made a selection by midnight on 4/1/2012, Officer B may select ahead of Officer A. If a selection has not been made by 12 noon on 4/2/2012, Officer C may also select ahead of Officer A.

(c) Officers who are not on duty at their appointed selection time may submit a "wish list" to the scheduling Lieutenant or call the Watch Commander to select on their behalf. No accommodation will be made for those who fail to sign up within 12 hours of their assigned time without submitting a "wish list".

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(d) Officers who have worked for 2 years on the same shift will be required to work a different shift. On the seniority roster, their name will be highlighted in a color corresponding to the shift they are restricted from selecting. If at any time the number of shifts available for those restricted officers matches the number of officers who have been restricted, the available shifts will be highlighted in the same color as those officers. At that time, only those restricted officers may select from those shifts. Example: There are 7 officers who have spent 2 years on day watch highlighted in blue. There are only 7 shifts remaining on swing watch and graveyards combined. Those 7 shifts will be highlighted in blue and only those officers highlighted in blue may select from those shifts.

(e) Officers who find their preferred team(s) filled (due to being bumped) at their selection time may submit a wish list to the scheduling Lieutenant for placement on a “bumped list”. This list will be used by the scheduling Lieutenant to fill vacancies based on personnel movement. This list will also be used by the scheduling Lieutenant to facilitate trades.

1. Any officer transferred to Patrol after the posting of the shift schedule will be assigned at the same selection time as the officer immediately below them on the seniority roster. If that selection time has already passed, they may select from any Team with a vacancy.

2. Any officer transferred to a patrol assignment after the completion of the shift selection process will be assigned to a shift by the scheduling Lieutenant based on the needs of the department.

(f) **PATROL PERSONNEL MAY ONLY WORK THE SAME WATCH FOR TWO CONSECUTIVE YEARS**. For the purposes of this policy, regardless of the watch, the 12.5 hour and 10 hour shifts will not be considered the same shift. For example, Officer A works 2 years on Team #1(day watch) and then 1 shift on Team #4. This would not be considered to be a violation of the 2 year rule.

(g) Once established, shift schedules become the responsibility of each individual watch. Any changes that occur after changeover are the responsibility of the individual Sergeant for each watch and must obtain the approval of the Scheduling Lieutenant.

(h) In the event that an employee transfers out of patrol between shift change periods, the employee who transfers back to patrol as a result should normally fill that slot.

(i) The Scheduling Lieutenant will assign employees completing training to a watch as staffing needs dictate.

401.2.2 SHIFT TRADES

The following procedures are guidelines used for the shift trade process:

(a) Applications for trades or adjustments of schedules must be made to the Scheduling Lieutenant.

(b) Trading of watch assignments between personnel of equal rank or classification is permissible with signed approval of the scheduling Lieutenant and the Watch Commanders of the effected watches or activities, subject to the following limitations:

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1. Any trades made should be arranged and approved at least one month in advance of the start of the shift (June or January shift). Any exceptions will only be allowed at the discretion of the Scheduling Lieutenant.

2. Trading of watches cannot violate the two year rule (See 401.2.1 (f) of this policy).

3. A reasonable balance of senior and junior officers should be maintained.

4. As near as possible, bilingual officers and similar compensated specialties must be equally distributed between all watches.

5. Approval is subject to the needs of the department.

401.3 SELECTION OF ANNUAL VACATION

The selection of annual vacations by employees should commence immediately after the assignment of shifts has been completed, and should be conducted in order by seniority. The selection of annual vacation shall be in accordance with the direction of the Division Commander and any appropriate legal authority.

Unless otherwise directed, members may select only one vacation period per year up to their annual vacation accrual allowance. Selections may be restricted according to the following guidelines:

(a) Only two officers, or one agent and one officer on the same shift may be off at the same time.

(b) Only one Sergeant or Lieutenant on the same shift may be off at the same time.

(c) Only one Lieutenant per shift and no more than a total of two Lieutenants may be off at the same time.

(d) Only one CSO per shift may be off on scheduled vacation at the same time.

(e) Any exceptions approved by a Division Commander.

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Bias-Based Policing

402.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Chula Vista Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

402.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

402.2 POLICY

The Chula Vista Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively, and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

No department member should create a call for service, respond to a call for service, or take any other official action when the action or call are based solely on a person's race, national origin, religion, age, disability, sex, sexual orientation, gender identity, medical condition, genetic information, marital status, military or veteran status, or any other protected characteristics.

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.

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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

Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Chula Vista Police Department is the primary agency, the Chula Vista Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

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402.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

  1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, 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.

402.6 ADMINISTRATION

Each year, the Operations Division Commander should review the efforts of the department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

402.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Unit.

(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.

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(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)).

402.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards Unit Manager 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 Police Support Services 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).

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Racial and Identity Profiling Act (RIPA)

403.1 PURPOSE AND SCOPE

On or before January 1, 2022, the Department is required to begin collecting data on all stops conducted by peace officers within the Department. Commencing on or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops conducted by peace officers within the Department during the preceding calendar year (Government Code § 12525.5).

403.1.1 DEFINITIONS

The following definitions relate to terms used within this policy:

Peace officer: Any Sworn Department Member working outside a custodial setting

Custodial setting: Correctional institutions, juvenile detention facilities, and jails, including parking lots and grounds within the perimeter of these enumerated facilities. "Custodial setting" does not include home detention or any circumstances where persons are under house arrest outside of correctional institutions, juvenile detention facilities, or jails.

Stop: Any detention by a peace officer of a person and/or search, including a consensual search, of the person's body or property in the person's possession or control.

403.2 DATA COLLECTION

Peace officers within the Department shall complete all applicable data fields in the Department's AB 953 RIPA Stop Application (Veritone) for each stop. The data fields must include, but are not limited to, the following:

1. The time, date, duration and location of the stop.

2. The reason for the stop.

3. The result of the stop, such as, no action, warning, citation, property seized or arrest.

4. If a warning or citation was issued, the warning provided, or violation cited.

5. If an arrest was made, the offense charged.

6. The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. When reporting the required data elements, the peace officer shall make their determination based on personal observation only. For motor vehicle stops, this section only applies to the driver, unless any actions specified under subsection 7 apply in relation to a passenger, in which case the characteristics specified in this section shall also be reported for them.

7. Actions taken by the peace officer during the stop, including, but not limited to, the following:

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(a) Whether the peace officer asked for consent to search the person and, if so, the basis for the search and the type of contraband or evidence discovered, if any.

(b) Whether the peace officer searched the person or any property and, if so, the type of property that was seized and the basis for seizing the property.

(c) Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

Stops involving multiple peace officers shall only require reporting by one peace officer. In most cases, this shall be the peace officer making initial contact.

403.3 REPORTING TO THE CALIFORNIA ATTORNEY GENERAL

The Professional Standards Unit manager is the custodian of all data collected. The Professional Standards Unit manager or their authorized designee shall ensure data is collected and reported in accordance with Government Code section 12525.5 and that all data collected is used strictly within the scope of compliance with this policy. The data provided to the California Attorney General shall not include the name, address, social security number or other unique personal identifying information of persons stopped, searched or subjected to a property seizure, and shall not include any unique identifying information of the peace officer collecting the data.

All RIPA data collected is public record and open to public inspection. No identifying information about the peace officers collecting the data shall be publicly disclosed.

Department Members, other than the Professional Standards Unit manager, or their designee, may not access the Department's server to view RIPA data without authorization from the Chief of Police.

The RIPA data collected shall not be used for disciplinary purposes or for use in performance evaluations.

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Roll Call Training

404.1 PURPOSE AND SCOPE

Roll Call training is generally conducted at the beginning of the officer's assigned shift. Roll Call provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Roll Call; however officers may conduct Roll Call for training purposes with supervisor approval.

Roll Call should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

404.2 PREPARATION OF MATERIALS

The supervisor conducting Roll Call is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

404.3 RETENTION OF ROLL CALL TRAINING RECORDS

Roll Call training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

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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 Chula Vista 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.

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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. 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).

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SWAT and CNT

408.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) along with the Crisis Negotiation Team (CNT) has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the SWAT Team and CNT are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

408.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

408.2 LEVELS OF CAPABILITY/TRAINING

408.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

408.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

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The Chula Vista Police Department SWAT Team is considered a Level II Team.

408.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

408.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue (React Team)

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

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(i) Specialized functions and supporting resources.

408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association and California Association of Tactical Officers Suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

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(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

408.4 TRAINING NEEDS ASSESSMENT

The SWAT Commander or his designee shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

408.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

408.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

Examples of training include:

SWAT Commander and Team Leader Courses, CATO Conference, Snipercraft, Chemical Agents Courses, Breaching Courses, and Less Lethal Courses.

408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

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Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the SWAT Commander. The SWAT Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team Rangemaster approved by the SWAT Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the SWAT Rangemaster who has been approved by the SWAT commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

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408.4.6 SCENARIO BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by a designated SWAT Team Leader. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

408.5 UNIFORMS, EQUIPMENT, AND FIREARMS

408.5.1 UNIFORMS
SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

408.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

408.5.4 OPERATIONAL READINESS INSPECTIONS
The SWAT Commander shall appoint a SWAT supervisor to perform operational readiness inspections of all unit equipment at least annually. The result of the inspection will be forwarded to the SWAT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SWAT facility and equipment maintained or used in SWAT vehicles.

408.6 MANAGEMENT/SUPERVISION OF SWAT TEAM
The Commander of the SWAT Team shall be selected by the Chief of Police upon recommendation of staff.

408.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, through the Operations Division Commander, the SWAT Team shall be managed by a lieutenant.

The lieutenant assigned to manage the SWAT Team shall be known as the SWAT Commander. The SWAT Commander is considered the Commanding Officer (CO) of the SWAT Team.

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In the absence of the SWAT Commander the SWAT Team shall be managed by an Executive Officer (XO). The Executive Officer position should be filled by a senior sergeant assigned to the SWAT Team.

408.6.2 TEAM SUPERVISORS
The Special Weapons and Tactics Team will be supervised by a group of Team Leaders who hold the rank of sergeant.

The team supervisors shall be selected by the SWAT Commanderupon specific recommendation by staff.

The following represent the supervisor responsibilities for the SWAT Team.

(a) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT Commander.

408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

408.7.1 CNT MANAGER
Under the direction of the Chief of Police, through the Operations Division Commander, CNT shall be managed by a lieutenant who is separate from the SWAT Commander.

408.7.2 CNT SUPERVISORS
CNT will be supervised by a group of sergeant's.

The CNT supervisors shall be selected by the CNT Commander upon specific recommendation by the Division Commander.

The following represent the supervisor responsibilities for CNT.

(a) CNT supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CNT Commander.

408.7.3 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a memo of interest to the CNT Commander. A copy of the memo will also be forwarded to the Crisis Negotiation Team supervisor(s). Qualified applicants will then be invited to an oral interview. The oral board will consist of the CNT Commander and the Crisis Negotiation Team supervisor(s). Interested personnel shall be evaluated by the following criteria:

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(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to the Division Commander for final selection.

408.7.4 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

408.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a memo of interest to the SWAT Commander, a copy of which will be forwarded to the other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT Commander. The testing process will consist of an oral board, physical agility, SWAT basic firearms course, and team evaluation.

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(a) Oral board: The oral board will consist of personnel selected by the SWAT Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of SWAT member;
3. Special skills, training, or appropriate education as it pertains to this assignment; and,
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the SWAT Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic firearms course: Candidates will shoot the SWAT Basic Firearms Course. The test and scoring procedure will be established by the SWAT Commander.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) Commander/Team Leader evaluation: The current SWAT Commander and Team Leaders will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(f) A list of successful applicants shall be submitted to staff, by the SWAT Commander, for final selection.

408.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the SWAT Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

All SWAT Team members are subject to a 12 month probationary status upon selection to the team.

408.9 OPERATION GUIDELINES FOR THE SWAT TEAM

The following procedures serve as guidelines for the operational deployment of the SWAT Team. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not

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requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT Commander.

408.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT Team is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the SWAT Commander.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF THE SWAT TEAM

The following are examples of incidents which may result in the activation of the SWAT Team:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

408.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency tactical units must be approved by the Watch Commander. Deployment of the Chula Vista Police Deartment SWAT Team in response to requests by other agencies must be authorized by a Division Commander.

408.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU’s, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Chula Vista Police Department SWAT team shall operate under the policies, procedures and command of the Chula Vista Police Department when working in a multi-agency situation.

408.9.5 MOBILIZATION OF THE SWAT TEAM

The On-Scene supervisor shall make a request to the Watch Commander for the SWAT Team. The Watch Commander shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the SWAT Commander. The Watch Commander will then notify the Operations Division Commander as soon as practical.

The Watch Commander should advise the SWAT Commander with as much of the following information which is available at the time:

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(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT Commander or supervisor shall then call selected officers to respond.

SWAT personnel shall not respond to the incident Code-3, unless specifically directed by a supervisor.

408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.

2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the SWAT and CNT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the SWAT Commander on the situation.

(g) Plan for, and stage, anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team at the scene, the Incident Commander shall brief the SWAT Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT Team. Once the Incident Commander authorizes deployment, the SWAT Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT

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Team. The Incident Commander and the SWAT Commander (or his or her designee) shall maintain communications at all times.

408.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-SWAT or CNT personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with SWAT or CNT personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

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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 Chula Vista Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

410.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. Ride-Alongs may be scheduled on any shift with the approval of the Chief of Police, Division Commander, or Watch Commander. Under most circumstances participants are only allowed to ride for one full shift.

410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Watch Commander or Professional Standards Unit. The participant shall complete and sign a ride-along application and waiver. 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 and sign the waiver. Off-duty members of other departments must also sign the waiver.

Completed applications should be forwarded to the Professional Standards Unit, who will conduct a brief background investigation and subsequently contact the participant for scheduling. Once approved, the application and waiver should be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations. The Watch Commander may create or modify the scheduled ride-along.

If the ride-along is denied after the request has been made, the Professional Standards Unit or a representative of the Department should contact the applicant and advise him/her of the denial.

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In the event that a dignitary, political figure, or other prominent citizen is scheduled for a Ride-Along, the Watch Commander responsible for that particular shift should notify the Patrol Division Commander prior to the date of the scheduled Ride-Along.

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: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

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 field supervisor may refuse a ride along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Chula Vista Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

410.3 OFFICER'S RESPONSIBILITY

The officer shall ensure the participant, or his/her parent or legal guardian, has signed the Ride-Along Waiver. 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.

Participants shall not be allowed access to confidential records or documents.

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The officer should immediately notify a supervisor if a Ride-Along participant is injured or has been exposed to an unusually traumatic situation.

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

(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) The ride-along shall wear seatbelts at all times while riding in a vehicle that is in motion

(e) The ride-along may be included as a witness in official reports, is subject to being subpoenaed as a witness in criminal cases, and may be required to testify at a later date

(f) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(g) 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

(h) 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

The ride-along should also be instructed on certain items of safety including how to call for help on the radio, being aware of their location and the specific radio designation for that unit.

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Hazardous Material Response

412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED

A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps, commonly referred to by the acronym "RAIN", should be considered at any scene involving suspected hazardous materials:

(a) Recognize: Make a rapid assessment of the incident. Assessment may be aided by a variety of senses, including what you can see (such as hazmat placards, leaking tanks, or smoke), what you can hear (such as hissing sounds), and what you can smell (such as an unusual odor or an odor of rotten eggs).

(b) Avoid: Minimize exposure to the substance by putting distance between yourself/ others and the threat. Steps to minimize exposure may include a determination to evacuate the surrounding area.

(c) Isolate: Take action to isolate or reduce exposure to the hazardous substance using barriers or protective equipment. Provide first aid for injured parties if it can be done safely and without contamination.

(d) Notify: 1) Fire Department. Fire Department personnel will respond accordingly based on the degree of the incident. Additionally, if the incident involves a pesticide spill, it is necessary to notify the San Diego County Department of Environmental Health (Health & Safety Code §10215). 3) Notifying the Department of Toxic Substances Control is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the

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employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to, if appropriate, a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.

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Hostage and Barricade Incidents

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

414.2 POLICY

It is the policy of the Chula Vista Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

414.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

414.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

414.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

414.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the department, such as command officers and the Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

414.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the department , such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

414.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Negotiation Team (CNT) response if appropriate and apprising the (CNT) Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

414.6 CRISIS NEGOTIATION TEAM (CNT) RESPONSIBILITIES

The Incident Commander will decide, with input from the CNT Commander, whether to deploy the CNT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CNT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CNT. The Incident Commander and the CNT Commander or the authorized designee shall maintain communications at all times.

414.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Chula Vista Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

416.2 POLICY

It is the policy of the Chula Vista Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

416.2.1 INITIAL CALL AND RESPONSE

Upon receipt of a report of a bomb, bomb threat, suspicious device or explosion, a patrol officer should be dispatched in accordance with the following guidelines:

(a) All reports of explosions, bombings or found devices shall be categorized as priority one calls. All bomb threats where no device has been found shall be categorized as priority two calls.

(b) A Field Sergeant or Watch Commander shall be notified of all bomb threats, explosions or found devices.

(c) A "code six" for radio transmissions should be broadcast immediately advising units to not use radios within two city blocks of the incident location.

(d) Officers should be dispatched via telephone or mobile data systems whenever possible.

(e) Because police radios continually transmit signals even though the radio is in not actually in use, officers should turn off both their mobile and portable radios when within 300 feet of the bomb threat location. All communication with officers on-scene should be conducted via telephone.

(f) In the event that a device is found or an explosion occurs, the San Diego County Sheriff's Bomb Squad shall be notified via Sheriff's communications or directly at 467-4660.

416.2.2 FIRST RESPONDER RESPONSIBILITIES

Officers responding to a report of a bomb, bomb threat, suspicious device or explosion should consider the preservation of human life the primary concern. Officers should adhere to the following guidelines:

(a) When dispatched to a report of a bomb threat or suspicious device, field officers should turn off their mobile radios, portable radios and mobile data devices prior to

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arriving on scene. Radios should remain off at all times while within 300 feet of the scene or suspected device. Cellular telephones also transmit periodically and should be turned off at all times while within 300 feet of the scene or suspected device. **All communications should be conducted via land line telephone while on-scene of a suspected explosive device.**

(b) Officers should contact the reporting party and/or the person in charge of the property/building to obtain information about the bomb threat or device.

(c) If a device has not been found, the officer should consult with the owner of the property or manager when deciding whether or not to evacuate the premises.

416.2.3 FOUND EXPLOSIVES OR SUSPECTED DEVICE

When an officer responds to a call of a suspected explosive device, or when a suspected explosive device is found or there is factual information to believe a bomb exists, the following guidelines should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. Officers shall not examine, touch or move any package or device that is suspected of being a bomb. Officers shall not transport any suspicious device to the police facility, fire station or other location.

(b) Notify a field supervisor or Watch Commander immediately. Additional officers should be dispatched if needed to assist with evacuation or perimeter control.

(c) Turn off all radios, cellular telephones, and other mobile communications and data devices within 300 feet of the device

(d) Evacuate and secure a perimeter of a minimum of 300 feet around the suspected device, allowing for an entrance for support personnel

(e) Relay as much initial information as possible without touching the device, including:

1. The suspected threat
2. How made
3. Exact comments
4. Time
5. Location
6. Full description (e.g., size, shape, markings) of the device in question

(f) Consideration for support personnel such as paramedics and Fire Department personnel

(g) A search of the area should be conducted for secondary devices or other objects foreign to the area

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(h) Notify the San Diego County Sheriff's Bomb Squad via dispatch. (Notification may also be made through the Sheriff's communications center)

(i) Found explosive or military ordnance of any type should be handled only by the Bomb Squad

(j) When in doubt, call for assistance from the Sheriff's Department Bomb Squad

416.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

416.4.1 CHULA VISTA POLICE DEPARTMENT FACILITY

If the bomb threat is against the Chula Vista Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Chula Vista Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

416.4.3 EXPLOSIVES OR SUSPECTED DEVICE FOUND AT OR DELIVERED TO POLICE FACILITY

Generally, procedures for handling a found explosive or suspected device found at the police facility should mirror those of any other location, as prescribed by Policy Manual § 416.23.

If a device is brought into the police facility by a private person, interview them about the device and obtain their name, address, and telephone number for later investigation. Take a report of the incident after resolution. Devices delivered to the facility should be handled in accordance with the following guidelines.

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(a) Small arms ammunition and commercial fireworks should be placed in the bomb basket and logged into property. The Sheriff's Bomb Disposal unit will be notified by the Crime Laboratory personnel at a later date.

(b) Military ordinance, commercial explosives or unknown devices or materials should not be handled by untrained personnel. Officers should not attempt to move these devices or place them into the bomb basket. Secure an immediate safe zone around the device, and immediately notify the Watch Commander in accordance with Police Manual § 416.42.

416.4.4 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

416.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Chula Vista, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

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416.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.

2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

416.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios

2. Cell phones

3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

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(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.
2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

416.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

416.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

416.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

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- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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Mental Illness Commitments

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 Chula Vista 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

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are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

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) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

418.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

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418.5 TRANSPORTATION

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

418.5.1 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 Division which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 12021.3(e).

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 12021.3(g)).

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.

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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.

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.

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(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).

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 CID, 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.

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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.

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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.

420.1.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, while operating as part of a multi-jurisdictional task force, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

420.2 POLICY

It is the policy of the Chula Vista 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.

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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. All bookings shall be approved by the Watch Commander or the authorized designee.

420.4 NON-RELEASE

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

1. The Chula Vista Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital,

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unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) 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.

(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 prisoners to conclude that the suspect should be held for further investigation

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Police Support Services.

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.

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(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.

(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 Chula Vista City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be referred to the CID 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.

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Foreign Diplomatic and Consular Representatives

422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Chula Vista Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

422.2 POLICY

The Chula Vista 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.

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422.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

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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:

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members
Diplomatic Agent	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Member of Admin and Tech Staff	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Service Staff	Yes (note (a))	Yes	Yes	Yes	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Career Consul Officer	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts. Yes otherwise (note (a))	No immunity or inviolability
Honorable Consul Officer	Yes	Yes	Yes	No for official acts Yes otherwise.	No for official acts Yes otherwise	No immunity or inviolability
Consulate Employees	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise.	No for official acts. Yes otherwise (note (a))	No immunity or inviolability (note (a))
Int'l Org Staff (note (b))	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts. Yes otherwise (note (c))	No immunity or inviolability

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Diplomatic-Level Staff of Missions to Int'l Org	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
Support Staff of Missions to Int'l Orgs	Yes	Yes	Yes	Yes	No for official acts Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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Rapid Response and Deployment

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 Chula Vista 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.

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(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

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 Operations Division Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.

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424.6 TRAINING

The Training Manager should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).

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Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Chula Vista Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

This policy shall not apply to employees specially assigned to a task force, or otherwise specifically assigned to regularly assist allied agencies.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, except those specially assigned to a task force, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Chula Vista shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity.

The supervisor shall determine if a case report or other documentation of the officer's activity is required.

426.2 OFF-DUTY ENFORCEMENT ACTION

Law enforcement officers, whose on-duty employment involves performing police functions, retain full power and authority to act as peace officers when off-duty. Prior to taking law enforcement action, off-duty officers who observe or who are told of criminal activity should first consider contacting the appropriate law enforcement agency to have on-duty officers/deputies respond. Off-duty officers should, if possible, make mental notes of the criminal incident and attempt to be a good witness to the event. In determining whether or not to intervene, the off-duty peace officer should consider the totality of the situation.

Off-duty officers observing criminal activity should generally take enforcement action only when it is reasonably necessary to prevent death, the possibility of death or serious bodily injury, or significant property damage or loss. In such situations the officer should consider the offense involved, the difficulty that being off-duty tactically and operationally presents, and/or other factors as articulated and observed by the off-duty officer.

If an off-duty officer intervenes in the criminal conduct, he/she shall, if reasonably possible, clearly identify themselves as a police officer, identify their agency, and identify their intent to stop the criminal conduct. Any law enforcement action taken by the officer shall be governed by the policies and procedures, rules and regulations that apply to on duty personnel. When outside the limits of their jurisdiction, but within the State of California, off-duty peace officers may assist any law enforcement officer who appears to be in need of immediate assistance and may assist in the prevention of the commission of any crime involving immediate danger to persons or property, or of

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the escape of the perpetrator of the offense. Off-duty peace officers outside the State of California do not have police officer powers or status, and therefore have only the rights and obligations of private citizens of that state.

426.2.1 NOTIFICATION REQUIREMENTS

Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The Watch Commander shall determine if a case report or other documentation of the officer's activity is required, determine the need for expediency with the documentation, and should direct the officer accordingly.

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Immigration Guidelines

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Chula Vista Police Department relating to immigration and interacting with federal immigration officials.Nothing in this policy is intended to prohibit or restrict interactions with any other law enforcement personnel or other 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 Chula Vista 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 race, national origin or immigration status.

Members are prohibited from using any Department resources for immigration enforcement purposes.

428.3 FIELD CONTACTS AND INVESTIGATIONS

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 without regard to race, national origin or immigration status in any way that would violate the United States or California constitutions.

428.3.1 BASIS FOR CONTACT

The fact that an individual is suspected of being undocumented shall not be the sole basis for contact, detention or arrest.

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428.3.2 DIRECTED ENFORCEMENT ACTIONS

The Chula Vista Police Department does not conduct sweeps or other concentrated efforts to detain suspected undocumented persons.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular or other group.

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The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, national origin, or immigration status.

428.3.3 ICE REQUEST FOR ASSISTANCE

If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation. ,

Members of this department should not participate in such federal operations as part of any detention team unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member of this department that is related to such a response should be based upon the reasonable belief that an individual is involved in criminal activity and not solely on the individual’s race, national origin, or immigration status.

428.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

With respect to confirmation of identity for the purposes of criminal prosecution, the Office of the San Diego County District Attorney has determined the following:

> *Successful prosecution of criminal violators requires that officers identify suspects with the "functional equivalent of a driver's license" which includes either a California or other state-issued driver's license or identification card or US Military Identification Card. Identification from the home country of foreign nationals, as a practical matter, is of diminished value for prosecution purposes. Absent such necessary identification, successful prosecution will require that foreign national suspects be booked in order to be properly identified. (Source: Formal correspondence dated December 3, 2003, District Attorney, County of San Diego.)*
>
> *The Mexico Consulate may issue a "Matricula Consular," or "Mexican Consulate Identification Card" to Mexican citizens residing in the United States. This is considered a valid form of identification for victims, witnesses, or reporting persons, but is <u>not</u> satisfactory for suspects or arrestees.*

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428.3.5 ARREST
If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302a, and Penal Code § 836, if pertinent to the circumstances). The Watch Commander shall approve all such arrests.

428.3.6 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of the Watch Commander, be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor should not be detained longer than reasonably necessary to establish his/her true identity.

428.3.7 USE OF IMMIGRATION AUTHORITIES AS INTERPRETERS
Members may not use immigration authorities as interpreters for law enforcement matters relating to individuals in custody.

428.3.8 RELEASE
Decisions related to the release of any offender arrested by members of this Department should be based on the specific facts and circumstances of the criminal investigation, regardless of the offender’s race, national origin, or immigration status.Providing information regarding the release date of said offender, or responding to requests for notification by providing release dates or other information about said offender, is prohibited unless:

(a) That information is available to the public; or
(b) The information is provided in response to a notification request from immigration authorities in accordance with Government Code § 7282.5, and then only if the individual:
1. Has been convicted of a serious or violent felony (identified in Penal Code § 1192.7(c) or § 667.5(c));
2. Has been convicted of a felony punishable by imprisonment in the state prison;
3. Has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the past 15 years of a felony for, certain specified offenses provided by statute (Government Code § 7282.5(3)(A)-(AE));
4. Is a current registrant on the California Sex and Arson Registry; or
5. Has been convicted of a federal crime that is an aggravated felony or has an outstanding federal felony arrest warrant.

It is prohibited to transfer any offender arrested by a member of this Department to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Penal Code § 7282.5.

A conviction for a straight misdemeanor (i.e. a crime that is presently punishable only as a misdemeanor) is not a valid justification for honoring a transfer or notification request.

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The transfer of an offender under this section, or honoring a transfer or notification request under this section, may only be approved by a Division Commander or the on-duty Watch Commander.

428.3.9 SHARING PERSONAL INFORMATION
Members may not provide personal information about any individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

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 U VISA NONIMMIGRANT STATUS

Under certain circumstances federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 U.S.C. § 1101(a)(15)(U). A petition for a U-Visa from the U.S. Citizenship and Immigration Services must be completed on DHS Form I-918 by the assigned investigator or the assigned prosecutor and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa to be issued.

Any request for assistance in applying for U-Visa status should be forwarded in a timely fashion to the detective supervisor assigned to supervise the handling of any related case. The detective supervisor should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether an update on the case is warranted.

(b) Review the instructions for completing the certification if necessary. Instructions for completing Form I-918 can be found on the DHS website at http://www.uscis.gov/portal/site/uscis.

(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification has not already been completed and that certification is warranted.

(d) Timely address the request and complete the certification if appropriate.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.

428.4.2 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).

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).

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428.5 JOINT TASK FORCES

The Chula Vista Police Department may allow personnel to participate with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for the purposes of task force investigations, so long as all of the following conditions are met:

(a) The task force's primary purpose is not immigration enforcement; and

(b) Enforcement or investigative duties are primarily related to violations of state or federal law unrelated to immigration enforcement (Government Code § 7284.6(b)(3)).

428.5.1 FEDERAL SUPERVISION FOR PURPOSES OF IMMIGRATION PROHIBITED

The Department shall not place officers under the supervision of, or to be deputized by, federal agencies for the purposes of immigration enforcement (Government Code § 7284.6(a)(2)).

428.5.2 JOINT TASK FORCE REPORTING

If the Chula Vista Police Department chooses to participate in a joint law enforcement task force, for which the Department has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The Chula Vista Police Department shall report the following information, if known, for each task force of which it is a member:

(a) The purpose of the task force.

(b)The federal, state, and local law enforcement agencies involved.

(c)The total number of arrests made during the reporting period.

(d)The number of people arrested for immigration enforcement purposes (Government Code § 7284.6(c)(1)).

All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed (Government Code § 7284.6(c)(3)).

If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement (Government Code § 7284.6(c)(4)).

To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the

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investigation or a related investigation, that information shall not be included in the Attorney General's report (Government Code § 7284.6(d)).

Department personnel may send to, or receive from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or request from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintain or exchange that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code (Government Code § 7284.6(e)).

428.6 DEPARTMENT CONTRACTS AND OFFICE SPACE

The Chula Vista Police Department shall not enter into a contract with the federal government to house or detain individuals as federal detainees for civil immigration enforcement.

The Chula Vista Police Department shall not provide office space exclusively dedicated for immigration authorities (Government Code § 7284.6(a)(5)).

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Emergency Utility Service

430.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES

Responsibility for water resources, including reservoirs, water pumps, wells, and other public water equipment, is that of the Sweetwater Authority and the Otay Water District. The Sweetwater Authority is responsible for providing water service to portions of Bonita and the western and central portions of Chula Vista (generally west of the I-805). The Otay Water District is responsible for providing water service to the eastern portion of Chula Vista (generally east of the I-805).

Public agency responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility.Public water agencies can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the public side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

430.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 PUMPS, WELLS, ETC.

Public Works maintains several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

430.2 TRAFFIC SIGNAL MAINTENANCE

The Signals Division of the Public Works Department provides maintenance for all traffic signals within the City, other than those maintained by the State of California.

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430.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Accidents

433.1 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.

433.1.1 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.

433.2 POLICY

It is the policy of the Chula Vista Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

433.3 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).

433.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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433.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

433.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

433.7 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.

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(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

433.8 DOCUMENTATION

All aircraft accidents occurring within the City of Chula Vista 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 CVPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

433.8.1 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.

433.8.2 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.

433.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should

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be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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Field Training Officer Program

435.1 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 Chula Vista 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.

435.2 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.

435.2.1 SELECTION PROCESS

FTO's will be selected based on the following requirements:

(a) Desire to be an FTO

(b) Three years of patrol experience, one of which should be with this department

(c) Demonstrated ability as a positive role model

(d) Participate and pass an internal oral interview selection process

(e) Have 2 written Sergeant recommendations, one of which shall be from a current Sergeant

(f) Possess a POST Basic certificate

(g) Off probationary status

435.2.2 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.

435.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Operations Division Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

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The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator's Course within one year of appointment to this position (11 CCR 1004(c)).

435.3.1 FIELD TRAINING OFFICER PROGRAM SUPERVISORS
A number of Field Training Officer supervisors will be selected from the rank of Sergeant by the Field Training Officer Program manager or his/her designee.

FTO Program supervisors will be assigned to supervise over the field training of specific Trainees, and shall have the responsibility of, but not be limited to the following:

(a) Maintain and ensure FTO/Trainee performance evaluations are completed

(b) Monitor individual FTO performance

(c) Monitor the individual performance of assigned Trainees

(d) Regularly evaluate and report to the FTO Program manager on the performance of assigned trainees

435.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Chula Vista Police Department who has successfully completed a POST approved Basic Academy.

435.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 20 weeks.

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of 10 weeks.

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.

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435.5.1 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 Chula Vista 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 Chula Vista Police Department.

435.5.2 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 Chula Vista 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 Chula Vista Police Department.

435.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.

435.6.1 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.

435.6.2 IMMEDIATE SUPERVISOR
The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

435.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Observation Reports submitted by the FTO, and the Bi-Weekly reports submitted by the supervisor.

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435.6.4 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.

435.7 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

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Obtaining Air Support

437.1 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.

437.2 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. Requests for helicopter assistance should be made through the Communications Center.

Additionally, Dispatchers should request air support in any of the following situations:

(a) Vehicular pursuits

(b) Calls of 11-99

(c) Extended foot pursuits where the suspect(s) have been contained but not apprehended

(d) Any other incident where aerial surveillance or pursuit might reasonably assist officers in locating or apprehending suspects and/or vehicles

437.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Communications Center will call the closest agency having helicopter support available. The Dispatcher should apprise that agency of the specific details of the incident prompting the request.

Unless the specific circumstances of the incident reasonably necessitate otherwise, requests for helicopter support should be made to the following agencies in the following order:

(a) Sheriff Department "ASTREA"

(b) San Diego Police Department "ABLE"

(c) Immigration and Customs Enforcement (ICE) "OMAHA"

Requests for helicopter assistance should be made through the agencies regular business phone, or through radio communications on an allied radio frequency.

437.2.2 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

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(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) Extended foot pursuits, or any situation where a suspect(s) has been contained but not apprehended

(e) When the use of aerial surveillance or helicopters may assist officers in locating or apprehending criminal suspects or vehicles suspected to be involved in criminal activity

(f) When the use of a helicopter may assist officer by providing an arial platform from which to inspect roof-tops, canyons, or other areas not readily and safely accessible by officers on foot or in vehicles

(g) 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

(h) 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.

437.3 FIELD COMMUNICATIONS WITH HELICOPTER

Once the helicopter arrives on frequency, all communications will be the responsibility of the field supervisor on scene or his/her designee. If a supervisor is unavailable, then the senior officer or officer in charge of the incident shall be responsible for communicating with the aircrew.

Only one officer should communicate and direct the helicopter from the scene. All other personnel should avoid radio communications with the air crew unless it is of an urgent nature.

Officers should refrain from attempting to signal the helicopter by waiving their arms or flashing lights into the air, unless an exigency exists or unless specifically requested by the helicopter. Should the helicopter request that an officer attempt to signal them, only one officer should signal the helicopter at a time. All other personnel should avoid attempting to signal the helicopter since multiple signals may confuse the helicopter and delay their assistance.

As soon as the incident is contained or it has been determined that the helicopter is no longer needed, they should be released by the supervisor or officer in charge of the scene.

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Contacts and Temporary Detentions

439.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

439.1.1 DEFINITIONS

Definitions related to this policy include:

Consensual encounter - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field photographs - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-down search - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable suspicion - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

Temporary detention - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

439.2 POLICY

The Chula Vista Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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439.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Casual contact with consenting individuals is encouraged by the Chula Vista Police Department to identify problems,enhance community awareness, and facilitate positive community involvement. strengthen community involvement, community awareness, and problem identification.

439.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

439.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

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(e) The actions and demeanor of the suspect.

(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

439.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

439.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

439.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

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 shall be submitted into evidence and retained in compliance with this policy.

All related reports shall be submitted to a supervisor for review and approval..

439.5.3 DISPOSITION OF PHOTOGRAPHS

All field photographs must be adequately labeled and submitted to Evidence.com and or NETRMSwith either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Officer/Agent should review and submit the photograph to Evidence.com following standard evidence procedures.

(a)

(b)

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

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439.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

439.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

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

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

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

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

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Criminal Organizations

441.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Chula Vista Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

441.1.1 DEFINITIONS

Definitions related to this policy include:

Criminal intelligence system - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

441.2 POLICY

The Chula Vista Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

441.3 CRIMINAL INTELLIGENCE SYSTEMS

No Department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

441.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Police Support Services.

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Any supporting documentation for an entry shall be retained by the Police Support Services in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Police Support Services are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

441.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate or affiliate in a shared gang database accessible by the department, the basis for that designation and the name of the agency that made the designation. The department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Police Support Services after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

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It is the responsibility of the Police Support Services supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

441.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

441.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Police Support Services or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

441.4.2 REVIEW AND PURGING OF GANG PARTICIPANT FILE

Temporary files shall not be retained longer than one year. At the end of one year, temporary files must be purged if the information does not qualify for entry into a department approved criminal gang intelligence database.

The Crimes of Violence Unit Supervisor shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal street gang files is the responsibility of the Crimes of Violence Unit Supervisor.

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441.4.3 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The Crimes Of Violence Sergeant shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the Crimes Of Violence Sergeant.

441.4.4 CRIMINAL GANG INTELLIGENCE DATABASES

While this policy does not establish a criminal gang intelligence database, the Chief may approve one or more criminal gang intelligence databases, such as CALGANG, for use by members of the Gang Suppression Unit. Any such database should be compliant with 28 C.F.R. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the Crimes of Violence Unit Supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into a department approved criminal gang intelligence database.

It is the responsibility of the Crimes of Violence Unit Supervisor to retain reports and FIs in compliance with the procedures of the department approved criminal gang intelligence database and 28 C.F.R. § 23.20.

441.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

441.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

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When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

441.7 CRIMINAL STREET GANGS

The CID supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

441.8 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal street gang related shall be documented on a report form and shall at minimum include the following:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal street gang.

(b) Whether any photographs were taken and a brief description of what they depict.

(c) What physical evidence, if any, was observed, collected or booked.

(d) A specific request that a copy of the report be routed to the Gang Unit.

Any photographs taken or evidence collected shall be booked in accordance with current evidence booking procedures.

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Watch Commanders

443.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

443.2 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable for duty as Watch Commander, in most instances the senior qualified sergeant shall be designated as acting Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits.

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Mobile Audio Video

445.1 PURPOSE AND SCOPE

The Chula Vista Police Department has equipped marked patrol cars with Mobile Audio Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

445.1.1 DEFINITIONS

Definitions related to this policy include:

Activate - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

In-car camera system and Mobile Audio Video (MAV) system - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

MAV technician -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

Recorded media - Audio-video signals recorded or digitally stored on a storage device or portable media.

445.2 POLICY

It is the policy of the Chula Vista Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

445.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Chula Vista Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

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445.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

445.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls

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3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

445.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

445.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

445.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

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When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

445.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

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(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

445.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

445.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

445.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

445.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Chula Vista Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

445.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

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(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

445.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

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445.10 TRAINING

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.

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Mobile Digital Computer Use

446.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

446.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

446.3 POLICY

Chula Vista Police Department members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

446.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

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

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

446.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

446.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

446.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

446.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

446.6 EQUIPMENT CONSIDERATIONS

446.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

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446.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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Portable Audio/Video Recorders

448.1 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 Chula Vista Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

448.2 POLICY

The Chula Vista 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.

448.3 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.

448.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, CVPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

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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.

448.4.1 SUPERVISOR RESPONSIBILITIES
Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

448.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable 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. Generally, members shall advise members of the public when they are being recorded. It is suggested that members make the advisement in a language the recorded person(s) can understand, to the extent that members are able to communicate in this language.

The portable recorder should be activated in any of the following situations:

(a) All anticipated enforcement actions and investigative contacts including stops and field interviews (FI) situations.

(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops.

(c) Self-initiated activity in which a member would normally notify the Communications Center.

(d) Generally, members do not need to record routine report calls where there is no anticipated enforcement action.

(e) When practical, all suspect, victim, and witness statements.

(f) When transporting members of the opposite sex.

(g) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording or in the event the member believes the recording would protect the interests of the member or the Department.

Members may encounter special circumstances which should not be recorded:

(a) Members should not record other public safety personnel without their consent or notification. Members should notify other public safety personnel, such as firefighters, paramedics, or other law enforcement officers as soon as practical when they are being recorded during an incident.

(b) Members are not required to record non-enforcement contacts, such as citizen flags for directions or non-enforcement related contacts with the public.

(c) Victims of child abuse or molest generally should not be video recorded, however, audio recording of such victim's statements is encouraged.

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(d) Victims of sexual assault generally should not be video recorded without consent; however, audio recording of such victims' statements is encouraged.

(e) Victims who are partially unclothed or nude shall generally not be video recorded; however, audio recording is appropriate.

(f) Suspects who are nude or partially unclothed shall be covered as soon as reasonably possible to protect their personal privacy and dignity.

(g) Members should generally not record victims or suspects in hospital or emergency room settings. In the event a member elects to make a recording, whether audio or video under this section, the member shall take all reasonable steps in consideration of the HIPPA rights of patients and the privacy of hospital staff. Members may video or audio record a suspect if the suspect's conduct is violent or threatening to staff or to members.

(h) Members should use care when recording pre-planned tactical operations such as search warrants to avoid unnecessary public disclosure of current law enforcement entry tactics.

(i) Members shall remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. This concern also applies when members enter a home in a non-warrant or non-exigent circumstance.

(j) Requests by members of the public to stop recording shall be evaluated similarly, balancing the request for privacy with legitimate law enforcement interest in recording. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder shall be activated in situations described above as soon as practicable.

448.5.1 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.

448.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

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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).

448.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

448.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using Department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity. Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with Department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate Department business purposes, such as training. 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, intimidation or ridicule. As part of the investigative record, recordings shall not be shared with others without a legitimate professional interest in the case, and should be considered "need to know" content.

Members without the "need to know" about the investigation shall be prohibited from viewing the video without the express permission of the division commander.

448.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that is required per the categorization schedule, the member shall categorize the video, record the related case number and transfer the file in accordance with current procedures for storing digital files. The member shall also document the existence of the recording in the related case report. Transfers shall occur at the end of the member's shift, or any time the storage capacity is nearing its limit or as otherwise directed by a supervisor.

While using Body Worn Cameras in conjunction with Evidence.com, members shall use the categorization and notation functions of Evidence.com to make notes within the system on cases where enforcement action was taken or for videos which should be retained. Notes such as case numbers, suspect names, and citation numbers will facilitate flagging videos for review, discovery and retention.

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Members need not make notes on every recording, only recordings which should be retained according to the categorization schedule. Members using Taser Axon in conjunction with Evidence.com shall designate retention of their videos in Evidence.com according to the nature of the incident (felony, misdemeanor, traffic stop, field interview, etc.) by using the categorization feature. Uncategorized videos will be deleted after 365 days so it is critical that videos are appropriately categorized.

A member should transfer, tag or mark recording when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.

(c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.

(d) Disclosure may be an unreasonable violation of someone's privacy.

(e) Medical or mental health information is contained.

(f) Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact or citizen complaint); the member shall promptly notify a supervisor of the existence of the recording. Supervisors, managers or evidence administrators may re-categorize recordings as they deem necessary.

The Department shall take all reasonable measures to ensure the security of stored recordings, whether audio or video, in an effort to prevent unauthorized access to said stored recordings.

448.7.1 RETENTION REQUIREMENTS

It is the responsibility of the member making the recording to affirmatively categorize recordings in Evidence.com based upon the circumstances of the incident. All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule but in no event for a period less than 90 days.

While it is critical to retain recordings of evidentiary value, it is almost as important that files of insignificant incidents are deleted in a timely fashion according to schedule. The following retention schedule should serve as a guide; however, the camera program supervisor or any other supervisor or manager may extend the retention schedule of a recording based upon the significance of a case:

(a) Homicides -permanent retention in Evidence.com AND all videos shall be recorded to a backup media, such as DVDs and logged into evidence in the Crime Lab.

(b) Cases involving potential civil liability to the City -Until manually deleted

(c) Felony (3 year retention)

(d) All instances involving use of force, to include muscling techniques (3 year retention)

(e) Misdemeanors including traffic related misdemeanors (2 year retention)

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(f) Citations (2 year retention)

(g) Field Interviews (2 year retention)

(h) Uncategorized (NO ACTION REQUIRED) - routine incident with no apparent investigative value -365 day retention

Recordings of the following nature should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incident involving use of force by an officer

(b) Officer-involved shootings

(c) Incidents that lead to detention or arrest of an individual

(d) Recordings relevant to a formal or informal complaint against an officer or the Chula Vista 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).

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

448.8 REVIEW OF RECORDINGS

Audio and video recordings are designated by the Department as investigative records and are not subject to routine release through requests via the California Public Records Requests Act (CPRA), the Freedom of Information Act (FOIA), or other non-court ordered requests for audio or video records.

When preparing written reports, members should review their recordings as a resource and shall be granted access to review them upon request. However, members should not use the fact that a recording was made as a reason to write a less detailed report. With the exception of a timely public safety statement, members who are involved in a critical incident shall be allowed to review their own recording of the incident prior to giving a voluntary or compelled statement. Under no circumstances will such a delay be longer than 48 hours after the incident in the event of a compelled statement.

In the event that the recording of a member involved in a critical incident is damaged, destroyed, of poor quality or in the event that other members' recordings offer a better perspective of the critical incident than that of the subject member(s), members may be allowed to review the recordings of other members involved in said critical incident prior to giving a voluntary or compelled statement. In such rare instances, at the discretion of the Chief of police, members may be allowed to review another member's recording if the other member was in the immediate proximity of the subject member and their recording offered the same scene orientation and perspective of the incident

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Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance. Recordings may also be randomly audited by the Professional Standards Unit or Body Worn Camera program supervisor for quality control purposes.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or an authorized designee or when the Chief determines such release is in the public's interest and the release will not compromise the integrity of the ongoing investigation.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

(e) For purposes of training law enforcement personnel once the case has been adjudicated. Such training use shall not be disparaging or demeaning to members of the Department or the subjects of the recording. Examples of useful recordings may include contact and cover, pursuits, tactics or de-escalation techniques.

The Chief of Police shall have final Departmental authority in determining the release of recordings where not otherwise required by court order, statutory authority or other lawful authority.

All recordings should be reviewed by the Departmental Custodian of Records prior to public release (see PDM 810 -Records Release and Security). 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.

448.9 EDITING, TAMPERING OR COPYING

All audio and video recordings are part of the investigative record and shall be preserved in their original format without deletion, editing or tampering according to the retention schedule.

Members may not delete, copy, photograph, video record, or otherwise tamper with Department recordings without the express permission of the primary Body Worn Camera system administrator. Unauthorized tampering, editing or deletion of a video may result in discipline, up to and including termination.

Evidence.com has editing features which may be used to redact or obscure portions of recordings which may be sensitive. The editing features do not modify or alter the original recording;

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rather they create a second edited version for special circumstances. Only designated program personnel will have access to editing features.

448.10 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

448.11 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incident 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 Chula Vista 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 365 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

448.11.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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Medical Marijuana

450.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

450.1.1 DEFINITIONS

Definitions related to this policy include:

Cardholder - A person issued a current identification card.

Compassionate Use Act (CUA) (Health and Safety § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

Identification card - A valid document issued by the State Department of Health Services to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

Medical marijuana - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

Medical Marijuana Program (MMP) (Health and Safety § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

Patient - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

Primary caregiver - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

Statutory amount - No more than eight ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered).

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450.2 POLICY

It is the policy of the Chula Vista Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Chula Vista Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

450.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

450.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

450.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is reasonable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

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Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

450.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or, delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

450.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

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(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors, the climate, etc.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, the Bureau of Medical Marijuana Regulation or other member with special knowledge in this area and/or appropriate legal counsel. Licensing, zoning and other related issues can be complex. Patients, primary caregivers and cardholders who collectively or cooperatively cultivate marijuana for medical purposes are provided a defense under MMP (Health & Safety Code § 11362.775; Business and Professions Code § 19320 et seq.).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

450.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

450.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the Bureau of Medical Marijuana Regulation or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 19317; Business and Professions Code § 19319).

450.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

450.5 PROPERTY AND EVIDENCE RESPONSIBILITIES

The Property and Evidence Section Supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section Supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section Supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the CID Supervisor.

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Bicycle Patrol

452.1 PURPOSE AND SCOPE

The Chula Vista Police Department has authorized the use of bicycle patrol for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

452.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the School Resource Unit supervisor or the Watch Commander.

452.3 SELECTION OF PERSONNEL

The Chief of Police or his/her designee may designate a supervisor for the overall supervision and management of a bicycle patrol program. The Bicycle Patrol Supervisor shall be of the rank of Sergeant or above. Absent a specific designation otherwise by the Chief of Police or his/her designee, the School Resource Office supervisor(s) shall be responsible for the overall supervision and management of a bicycle patrol program.

452.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Program Supervisor(s) shall designate a Bicycle Patrol Coordinator, who will assist in the management of the bicycle patrol program. Duties of the Bicycle Patrol Coordinator shall include, but are not necessarily limited to:

(a) Periodic inspection and maintenance of bicycles and bicycle patrol equipment

(b) Scheduling of regular preventative maintenance on bicycle patrol equipment

(c) Scheduling of repairs for malfunctioning or broken bicycle patrol equipment

(d) Assisting unit supervisors in the evaluation of work performance of officers conducting bicycle patrol duties

(e) Evaluation of the overall bicycle patrol program, and making recommendations to the Bicycle Patrol Supervisor for additional training, policy, or equipment needs.

452.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. The initial training shall minimally include the following:

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- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

452.5 UNIFORMS AND EQUIPMENT

Bicycles officers shall wear the departmentally approved uniform and safety equipment while operating the police bicycle.

The required bicycle uniform consists of the standard short sleeve uniform shirt or black Coolmax® type shirt with department approved badge and patches and black bicycle patrol pants or shorts with uniform appearance. Bicycle officers shall wear black tennis shoes and white ankle socks, or specialized riding shoes (such as clip less or toe clips) provided they are black in color.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment. Additional required safety equipment includes departmentally approved helmet, riding gloves, protective eyewear and approved footwear. Soft body armor/vest is also required.

Optional equipment includes jacket in colder weather; turtleneck shirts or sweaters are permitted when worn under the uniform shirt, radio head set and microphone. Bicycle officers may use approved specialized pedals, purchased at their own expense, provided the standard pedals are replaced at the conclusion of the officers shift.

Generally, personnel assigned to the Street Team and the School Resource Office will temporarily be assigned required uniform and safety equipment for bicycle patrol use. Other employees who volunteer to train in or operate a bicycle patrol must provide their own uniform and safety equipment at their own expense.

Officers will be responsible for obtaining necessary forms, citation books and other needed equipment to keep available while on bike patrol.

452.6 CARE AND USE OF PATROL BICYCLES

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors front lights and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

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Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, and security lock. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, contact a School Resource Unit supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, bicycle officers shall conduct an inspection of the bicycle and equipment to insure proper working order for the next officer. The bicycle shall be returned clean and ready for the next tour of duty.

Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective charges to increase battery life.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the School Resource Unit supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

452.6.1 MAINTENANCE OF PATROL BICYCLES

Any officer conducting bicycle patrol duties may use repair equipment to inflate, repair, or change patrol bicycle tires. Otherwise only authorized bicycle mechanics or other persons designated by the Bicycle Patrol Supervisor or Coordinator are authorized to utilize bicycle repair tools or to perform maintenance on patrol bicycles.

Bicycle repair tools shall not be removed from the bicycle storage area without the permission of the Bicycle Patrol Supervisor.

452.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers may ride on sidewalks and other pedestrian areas. Officers must use caution and care when operating the bicycle without lighting equipment or riding in pedestrian areas.

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Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

- In response to an emergency call
- While engaged in rescue operations
- In the immediate pursuit of an actual or suspected violator of the law

Bicycle officers may be excellent public relations representatives to the community, and are encouraged to promote the Department by making frequent personal contact with members of the community.

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Foot Pursuits

456.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

456.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

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456.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

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456.4 RESPONSIBILITIES IN FOOT PURSUITS

456.4.1 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.

456.4.2 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.

456.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

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The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

456.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

456.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

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In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

456.6 POLICY

It is the policy of this department that officers, when deciding to initiate or continue a foot pursuit, continuously balance the objective of apprehending the suspect with the risk and potential for injury to department members, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances.

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Automated License Plate Readers (ALPRs)

460.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

460.2 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Chula Vista Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information that helps solve crimes and can lead to identifying offenders related to active warrants,locating wanted persons, and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Division Captain. The Investigations Division Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

Administrators shall be at least of Sergeant rank. A member of the Department's Information Technology Unit will also be assigned as a system administrator for technical support. He or she will also be in at least a supervisory role.

460.2.1 ALPR ADMINISTRATOR

The Investigative Divisions Captain shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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460.3 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

460.4 DATA COLLECTION AND RETENTION

The Investigative Divisions Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

460.5 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Chula Vista Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

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(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a quarterly basis and as needed.

For security or data breaches, see the Records Release and Maintenance Policy.

460.6 POLICY

The policy of the Chula Vista Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

460.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Investigative Divisions Captain or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

460.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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Transportation of Prisoners

461.1 PURPOSE AND SCOPE

Employees should take all necessary precautions while transporting prisoners to protect the lives and safety of the employee, the public and the person in custody.

461.2 TRANSPORTING VEHICLE

All prisoners should be transported in vehicles equipped with prisoner cages, unless circumstances reasonably require transport in another type of vehicle.

In the event a vehicle equipped with a prisoner cage is not available, the decision to transport a prisoner in another type of vehicle should be made only after careful consideration of all relevant factors including, but not limited to:

- The type of offense the prisoner is suspected of
- The number of prisoners to be transported
- Other exigent circumstances such as the location of arrest, the existence of large crowds, or other environmental factors that necessitate immediate transport of the prisoner out of the area
- The level of experience of the transporting employee(s)

If it becomes necessary to transport a prisoner without a prisoner cage, the prisoner should be handcuffed behind his/her back and placed in the rear seat immediately behind the driver. A second officer should ride in the rear seat to the immediate right of the prisoner and keep the prisoner under constant observation during transport. Employees shall not transport an unattended prisoner in the back seat of any vehicle not equipped with a prisoner cage.

461.2.1 SEARCHING, HANDCUFFING, AND SEATBELTS

Before engaging in prisoner transport, employees should properly apply double-locked handcuffs to all prisoners, with their hands behind their back and palms facing outward, except in the following circumstances:

(a) When the prisoner is pregnant

(b) When the prisoner has a physical condition, handicap, or injury that could be aggravated by standard handcuffing procedures

Employees may use reasonable discretion in deciding whether to handcuff young juveniles. Handcuffs should be used to control unruly or potentially violent juveniles of any age.

Prisoners shall not be handcuffed or physically secured to any part of the vehicle during transport. Additional approved restraint devices may be used to secure a prisoner who violently resists arrest or who manifests mental disorders such that he/she poses a threat to himself or to the public.

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Prior to transport, all prisoners shall be thoroughly searched for weapons and contraband. The transporting officer should search the prisoner regardless of other searches that may or may not have been conducted by other personnel.

Prisoners being transported shall be properly secured by safety restraints (such as seatbelts) in accordance with §1022 of this Policy Manual.

Transporting officers shall abide by any rules or regulations relating to any jail or other custodial facility to which the prisoner is transported.

461.3 ADDITIONAL TRANSPORT REGULATIONS

Prisoners of opposite sexes should not be transported together unless arrested together and non-combative.

The transporting officer should use care when assisting a prisoner into the vehicle for transport. The physical well-being of prisoners shall be monitored during transit. Particular attention should be directed to persons reported or suspected of being under the influence of drugs and/or alcohol or who have a history or propensity for violence.

Prisoners who report/display symptoms of serious illness during transit shall be taken to the nearest emergency room for treatment.

(a) Escorting officers shall remain with the patient at all times unless relieved by other authorized personnel.

(b) Potentially violent persons in custody shall be restrained at all times in the treatment facility unless such restraint would interfere with essential treatment.

(c) Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the prisoner.

Prisoners shall not be left in vehicles for extended periods of time during hot weather. When left in the vehicle for short periods of time, the front windows should be lowered for ventilation and/or the air conditioning turned on.

Prisoners shall not be left unattended after being placed into a police vehicle. If it becomes necessary for the transporting officer to conduct business away from the prisoner, another officer should be instructed to watch the prisoner.

Prior to initiating the transport, the officer should provide the Communications Center with the starting location and destination of transport. When male officers are transporting females prisoners, they shall also include the starting mileage from their vehicle odometer and ensure the dispatcher replies with the actual time.

In the event a prisoner makes accusations of illegal force, sexual misconduct or other unprofessional conduct, the transporting officer should activate his/her voice recorder and notify a supervisor as soon as practical.

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Transportation of Prisoners

Officers shall not engage in enforcement activities while transporting prisoners unless failure to act would risk death or serious bodily injury to another. In serious but not non-life-threatening situations, officer should call for back-up assistance and may remain on-hand until such assistance has arrived.

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Homeless Persons

462.1 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 Chula Vista Police Department recognizes that members of the homeless community are often in need of special protection and services. The Chula Vista 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.

462.1.1 POLICY

It is the policy of the Chula Vista 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.

462.2 HOMELESS COMMUNITY LIAISON

The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and clean-up operations.
2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.

(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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462.3 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.

462.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

462.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

462.5 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.

462.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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Reporting of Auto Theft

463.1 PURPOSE AND SCOPE

Auto theft crimes sometimes involve complex situations and may cross jurisdictional boundaries. Unlike other crimes involving the theft of property, auto thefts are immediately entered into the Stolen Vehicle System (SVS) and the Department of Justice (DOJ) computer system. The Law Enforcement agency entering the information takes responsibility for the accuracy of the information and data entry regardless of jurisdiction or where the crime occurred. This policy is meant to provide guidance in the reporting of auto theft crimes.

463.2 AUTO THEFT CRIMES OCCURRING IN OTHER JURISDICTIONS

As a general rule, the Department will not take auto theft reports when the crime occurred in another jurisdiction.

463.2.1 AUTO THEFT CRIMES OCCURRING ELSEWHERE IN SAN DIEGO COUNTY

If the crime occurred in another jurisdiction within the County of San Diego, the reporting party should be referred to that jurisdictional agency. That agency is responsible for completing a report of the auto theft.

463.2.2 AUTO THEFT CRIMES OCCURRING OUTSIDE OF SAN DIEGO COUNTY

If the crime occurred outside of San Diego County, a "courtesy report" may be taken on behalf of the jurisdiction in which the crime occurred . When evaluating whether or not it is appropriate to take a courtesy report, employees should consider the following:

(a) The reporting party's reason for not reporting the matter to the correct jurisdictional agency

(b) The location of the victim and their ability to directly report the matter to the correct jurisdictional agency

(c) Whether there are any suspects detained or arrested in connection to the stolen vehicle, such as during the discovery of a previously-unreported stolen vehicle

When taking a courtesy report, the reporting officer should clearly mark the report as a "Courtesy Report". The Police Support Services Unit should mail a copy of the report to the jurisdictional agency.

Normally vehicle information related to a "Courtesy Report" of auto theft should not be entered into SVS. The jurisdictional agency is responsible for entering the vehicle's information into SVS. The victim should be advised that there will be a delay in entering the information into SVS.

However, in certain circumstances the reporting officer or communications officer may determine that immediate entry into SVS is appropriate. These circumstances may include, but are not necessarily limited to, the following:

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- The stolen vehicle is equipped with LOJAK or other vehicle recovery system where immediate entry into SVS may help accelerate the recovery of the vehicle and/or the apprehension of a criminal suspect
- The vehicle was stolen as a part of another crime in which there is a reasonable likelihood of bodily injury to any person, additional property damage, or risk to the general public that may be limited by immediate entry into SVS
- The jurisdictional agency fails to respond or cannot be immediately contacted
- Other situations where immediate entry into SVS is deemed reasonably appropriate

463.2.3 AUTO THEFT CRIMES OCCURRING IN MEXICO

If the crime occurred in Mexico or any other foreign country, the California Highway Patrol has jurisdiction. The victim should be referred to the CHP to report the crime.

The Department should not respond to the International Border to handle the recovery of stolen vehicles that are found entering into the United States from Mexico. The San Diego Police Department has jurisdiction at the San Ysidro Port of Entry, and may take the report and recover the vehicle. Other agencies may have jurisdiction at other Ports of Entry.

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Solicitors

465.1 PURPOSE AND SCOPE

Non-profit groups have rights to free speech, canvassing, soliciting and fundraising that supersede local ordinances intended to register solicitors or prohibit solicitation of alms. While it has long been established that solicitors working for non-profits have the right to operate on some types of private property, such as shopping centers, case law has also upheld their right to solicit in residential neighborhoods. Additionally, case law has upheld the free speech rights of canvassers or solicitors who are soliciting on behalf of a non-profit organization, even if a for-profit company employs them. In other words, a person's right to free speech is not chilled despite the fact they work for a for-profit company, as long as the solicitation is on behalf of a non-profit organization.

The purpose of this policy is to outline protocols for dealing with persons employed by registered 501(c)(3) organizations who may be engaged in the following activities in residential neighborhoods:

- Canvassing
- Soliciting alms
- Public education campaigns

Nothing in this policy is intended to prohibit the enforcement of municipal codes intended to regulate for-profit businesses.

465.2 ENFORCEMENT

Local regulations relating to prohibitions against begging and soliciting of alms are not enforceable for non-profit (501(c)(3)) organizations. However a local regulation prohibiting soliciting on private property posted with a "No Soliciting" sign is still enforceable (Chula Vista Municipal Code § 9.12.030).

Officers should consider the following factors when contacting canvassers or solicitors for non-profit groups:

- Citizens have a right to call about anyone disturbing the peace or anyone they feel is suspicious.
- Officers should make contact with complainants and establish whether or not they have posted a "No Soliciting" sign (or similar) to prevent soliciting.
- If properly posted and probable cause exists to believe the solicitor violated Chula Vista Municipal Code § 9.12.030, the violator may be issued a citation.
- If there are no signs, employees should attempt to educate the resident about the solicitation law but should not cite the canvasser or solicitor.

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- If a citizen complains that someone in a neighborhood is suspicious and the subject identifies himself as a canvasser for a non-profit group, you have the right to detain them for a reasonable time to investigate their claim.

Employees are encouraged to contact a supervisor for guidance when enforcing solicitation regulations.

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Public Recording of Law Enforcement Activity

466.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

466.2 POLICY

The Chula Vista Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

466.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

466.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or

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behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

466.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

466.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

  1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

  1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

  2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the

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evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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First Amendment Assemblies

467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

467.2 POLICY

The Chula Vista 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.

467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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467.3.1 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.

467.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to the Communications Center, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

467.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

467.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

467.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

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467.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Mutual Aid and Outside Agency Assistance Policy).

467.6 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.

467.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and TASER® devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

467.8 ARRESTS

The Chula Vista 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).

467.9 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the News Media Relations Policy).

467.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

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467.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, the Communications Center records/tapes

(g) Media accounts (print and broadcast media)

467.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

467.12 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

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Civil Disputes

468.1 PURPOSE AND SCOPE

This policy provides members of the Chula Vista Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

468.2 POLICY

The Chula Vista Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

468.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

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468.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating officer should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

468.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

468.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

468.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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Civil Disputes

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Suspicious Activity Reporting

469.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

469.1.1 DEFINITIONS

Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

469.2 POLICY

The Chula Vista Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

469.3 RESPONSIBILITIES

The Investigation Division Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Division Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

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(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

469.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

469.5 HANDLING INFORMATION

The Police Support Services will forward copies of SARs, in a timely manner, to the following:

- CID supervisor
- Crime Analysis Unit
- Other authorized designees

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Medical Aid and Response

470.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

470.2 POLICY

It is the policy of the Chula Vista Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

470.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

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 the Communications Center 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 the Communications Center with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

1. Signs and symptoms as observed by the member.
2. Changes in apparent condition.
3. Number of patients, sex, and age, if known.
4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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470.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

470.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

470.5.1 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

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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.

470.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

470.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations 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.

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- Ensure that no one smokes near the aircraft.

470.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

470.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact the Communications Center as soon as possible and request response by EMS.

470.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

470.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

470.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

470.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Manager.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.

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470.9.2 OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Manager will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

470.9.3 OPIOID OVERDOSE MEDICATION TRAINING
The Training Manager should ensure training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

470.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

470.9.5 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).

470.10 SICK OR INJURED ARRESTEE
If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor’s approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer’s training.

470.11 FIRST AID TRAINING
The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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Crisis Intervention Incidents

471.1 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.

471.1.1 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.

471.2 POLICY

The Chula Vista 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.

471.3 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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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.

471.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Division Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

471.5 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.

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(k) If circumstances reasonably permit, consider and employ alternatives to force.

471.6 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.

471.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

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471.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Patrol Division Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

471.9 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.

471.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

471.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS

Civilian 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

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may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

471.11 EVALUATION

The PERT Lieutenant 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.

471.12 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).

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Chula Vista Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

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Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained by the officer. They can also be stored in the trunk of each patrol vehicle and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The training manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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Traffic Collision Reporting

502.1 PURPOSE AND SCOPE

The Chula Vista Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

502.2 RESPONSIBILITY

The Traffic Unit supervisor or his or her designee will be responsible for distribution of the Collision Investigation Manual. The Traffic Unit will receive all changes in the state manual and ensure conformity with this policy.

502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to the Traffic Bureau for approval and data entry into the Records Management System. The Police Support Services unit will be responsible for monthly reports on traffic collision statistics to be forwarded to the Operations Division Commander, or other persons as required.

502.4 REPORTING SITUATIONS

All injury traffic and certain non-injury collisions shall be documented on either a Traffic Collision Report or a Non-Injury Collision form (commonly referred to as a "T-Form").

A Traffic Collision Report shall be taken for any of the following circumstances:

(a) Where there is death or injury to any persons involved in the collision

(b) Where the collision involves an identifiable misdemeanor or felony violation, including but not limited to "hit-and-run" collisions

(c) Where the collision involves a city-owned vehicle and results in any injury, damage to non-city property, or damage to city property totaling $750 or more

(d) Where the circumstances of the collision or scene suggest a reasonable risk of city liability, including but not limited to collisions occurring in construction zones and collisions involving malfunctioning traffic control devices

Non-injury traffic collisions (either on public or private property), absent other circumstances, do not generally require a police response or report. However certain non-injury collisions may require a police response and/or documentation where the circumstances indicate that a police response is reasonably warranted.

The following circumstances are meant as guidelines in responding to, investigating, and reporting traffic collisions.

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502.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

The communications center should document the name and telephone number for all reporting parties. As soon as reasonably practical the Watch Commander should notify the on-call Traffic supervisor. The collision investigation and report should be completed by a traffic enforcement officer or other qualified employee. A minimum of two traffic officers should respond to conduct the investigation.

502.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

As soon as reasonably practical the Watch Commander should notify the on-call Traffic supervisor. The Traffic supervisor or Watch Commander may determine whether the collision investigation and report will be completed by a traffic enforcement officer or a patrol officer. In making this determination the Traffic supervisor or Watch Commander should consider the immediate availability of traffic unit personnel, the nature and severity of any injuries, the potential for criminal prosecution, and any factors which may increase city liability.

502.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The collision investigation and report should be completed by a traffic officer if they are readily available. In the absence of a traffic officer, a patrol officer should complete the collision investigation and report.

For the purposes of this section, visible injuries do not include injuries consisting of only minor lacerations, scratches, or redness.

502.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

The collision investigation and report should be completed by a Community Service Officer if they are readily available. In the absence of a Community Service Officer, a patrol officer should complete the collision investigation and report. An on-duty traffic officer may also complete the collision investigation and report as appropriate.

502.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Non-injury traffic collisions (either on public or private property), absent other circumstances, do not generally require a police response or report. However certain non-injury collisions may require a police response and/or documentation where the circumstances indicate that a police response is reasonably warranted.

Non-injury collisions that warrant a police response and that should be documented on a Traffic Collision Report include, but are not necessarily limited to, the following examples:

(a) Hit-and-Run collisions.

(b) Collisions involving intoxicated drivers, unlicensed drivers, or drivers with a suspended or revoked driver's license.

(c) Collisions involving members of this Department, employees of the City of Chula Vista, vehicles owned by the City of Chula Vista, or employees of any other government agency that requests a report.

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(d) Collisions involving damage in excess of $750 to equipment or property owned by the City of Chula Vista or any other government entity.

(e) Collisions that reasonably represent a risk of civil liability to the City of Chula Vista. This may include but is not necessarily limited to collisions in construction zones, collisions involving a malfunctioning traffic signal, collisions involving City employees, etc.

(f) Collisions involving any misdemeanor or felony criminal violation.

Other non-injury collisions may warrant a police response but do not necessarily require a police report. Where a police report is taken employees may utilize a short narrative (commonly referred to as a "box narrative") or an alternate approved Department form (such as a "T-Form") as reasonably appropriate. Examples of non-injury collisions that may warrant a police response but do not require a police report include, but are not necessarily limited to, the following:

- Collisions resulting in a disturbance or argument.
- Collisions where any party refuses to exchange information with any other party.
- Collisions involving suspicious circumstances.
- Collisions where a Police Department supervisor has requested a police response.
- Collisions blocking traffic or otherwise creating a hazard.

Dispatchers receiving calls of non-injury collisions with no unusual circumstances should be aware of the Police Department's historical role responding-to and documenting non-injury traffic collisions. Where appropriate Dispatchers may advise callers reporting non-injury collisions that the matter is considered "civil" and the Police Department does not routinely respond to non-injury collisions. Dispatchers may also provide the caller with guidance with how to proceed, such as obtaining the other driver's information, contacting their insurance company, etc. Callers may also be provided with a CAD incident number in lieu of a case number for documentation and/or documentation purposes.

Dispatchers receiving calls of non-injury collisions with unusual circumstances, or where the caller insists on a police response, should contact a supervisor (such as a Police Dispatch Supervisor, Sergeant or Watch Commander) for guidance or approval prior to dispatching personnel to the incident. In some cases an exception to the policy may be appropriate in the interests of customer service.

502.4.6 COUNTER REPORTS (NON-INJURY)

All non-injury traffic collisions where neither party remains at the scene, excluding non-injury hit-and-run collisions, may only be documented as a "Counter Report" at the front counter of the Police Department during normal business hours. Counter Reports should be completed by the reporting party using the counter report package available at the front counter. A case number should be issued to the reporting party by front counter personnel.

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502.4.7 LATE REPORTS (COMPLAINT OF PAIN ONLY)
All collisions involving complaint of pain only, where neither party remains at the scene, including hit-and-run collisions involving complaint of pain only, may only be documented as a "Late Report" at the front counter of the Police Department during normal business hours. Late Reports should be completed by the reporting party using the counter report package available at the front counter. A case number should be issued to the reporting party by front counter personnel.

502.4.8 LATE REPORTS (MINOR VISIBLE INJURY)
The collision investigation and report should be completed by a Community Service Officer if they are readily available. In the absence of a Community Service Officer, a patrol officer should complete the collision investigation and report. An on-duty traffic officer may also complete the collision investigation and report as appropriate.

For the purposes of this report, a simplified "box narrative" may be completed in lieu of a full narrative, so long as the collision is not unreasonably complex and there is not a reasonable risk of city liability.

502.4.9 COLLISIONS INVOLVING CITY-OWNED VEHICLES (NON-POLICE VEHICLES)
The collision investigation and report should be completed by a patrol officer. A traffic officer may also complete the investigation and report as appropriate. For collisions where there are no injuries, and damage totals less than $750 and is limited to city property, a traffic collision report is not required.

A supervisor should be immediately notified of all traffic collisions involving city-owned vehicles regardless of damage.

502.4.10 COLLISIONS INVOLVING POLICE VEHICLES
The collision investigation and report should be completed by a patrol Agent. A traffic officer may also complete the investigation and report as appropriate. For collisions where there are no injuries, and damage totals less than $750 and is limited to city property, a traffic collision report is not required.

A supervisor should be immediately notified of all traffic collisions involving police vehicles regardless of damage.

502.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Traffic Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

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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 Chula Vista 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 vehicle impound report using NETRMS and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be provided to the officer impounding the vehicle at the time of impound by the tow operator. The officer should then complete the form and return it to the tow operator. The storage report will be retained by the tow company.

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 may have the driver select a towing company, but the driver must contact their preferred tow company directly to request a tow. In order to avoid accidental billing errors, officers are discouraged from contacting tow companies on the driver's behalf or requesting dispatch to do so. This includes requests for AAA tows or services.

When the driver does not have a preferred tow company, officers may ask for the driver/owner's consent to contact a company from the City's tow rotation list. Upon consent, officers may call the on-call towing service for the City of Chula Vista, or they may ask dispatch to do so.

In either of these situations described above, requests from the driver or owner of the involved vehicle are considered "private tows" and do not need to be documented on a vehicle impound report.

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, including excessive delays in response time from the driver/owner's requested tow company, the officershould request the dispatcher to call the on-call towing service for the City of Chula Vista. The officer shall store the vehicle using a vehicle impound report.

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510.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee's vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

510.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly notify the specified authorized towing service. The officer should be advised when the request has been made. The dispatcher

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shall update the corresponding CAD incident record to reflect the name of the tow company and the time that notification was made.

The authorized towing company is generally whichever towing company is currently on-call for the department, but a different towing company may be called when specifically requested by the vehicle's owner or the owner's agent. If the authorized towing company is not available for whatever reason, the dispatcher may call the next towing service in rotation from the list of approved towing companies, and shall make appropriate entries in CAD.

Dispatch personnel shall promptly enter pertinent data from the completed Impound Report into the Stolen Vehicle System (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

510.2.7 POLICE SUPPORT SERVICES RESPONSIBILITY

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 Police Support Services 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, writing, or by telephone within 10 days of the date appearing on the notice.

510.2.8 REMOVAL BY PRIVATE PERSONS

California Vehicle Code § 22658(a) gives the owner or person in lawful control of private property, the right to remove vehicles parked on their property to the nearest public garage, if they have displayed in plain view on the property, a sign prohibiting public parking and containing the telephone number of the Police Department. It is the private person's responsibility to call for a tow.

The Police Department will not respond to or assist with private impounds unless otherwise directed by a supervisor.

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510.2.9 VEHICLES STORED FOR EVIDENCE

Sworn personnel may order a vehicle stored for evidence with the approval of an investigator or any supervisor. Depending on the nature of the incident and the reasons for the storage, the vehicle may be towed to a private tow-company storage lot, the police facility, or to a City-owned long-term storage facility. Most vehicles stored for evidence processing should be stored at the police facility, while vehicles used in the commission of a crime but not needing evidence processing should be stored at City-owned long-term storage.

Whenever a vehicle is stored for evidence or for evidence processing, the storing officer should notify the Watch Commander and the supervisor in-charge of the appropriate investigative unit.

The police facility is equipped with drive-in storage bays for vehicles stored for evidence processing. These bays are equipped with the necessary tools to safely store and process vehicles. Department personnel should use these bays only when a stored vehicle require evidence processing that cannot be completed by an officer, and only with a supervisor's approval. Employees may not use these bays simply to have them searched and their contents inventoried and/or recovered, or to request crime lab processing that could otherwise be completed by an officer in the field (i.e. basic fingerprinting and/or basic photography).

Whenever a vehicle is stored at the police facility, an employee should follow the vehicle to the facility in order to document proper chain of custody. Employees should use appropriate signage, "drip pans", or other tools as directed by the Crime Lab to protect the security of the stored vehicle and the cleanliness and safety of the police facility. Vehicles with significant leaks of gasoline, oil or other hazardous fluids should not be transported to the police facility.

510.3 TOWING SERVICES

The City of Chula Vista has a contractual agreement for all tow companies doing business in the City of Chula Vista. These tow companies will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action

(b) When a vehicle is being held as evidence in connection with an investigation

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

Tow company agreements are awarded based on several specifications. These specifications may include, but are not necessarily limited to:

(a) Response Requirements:

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1. Equipment Standards: Contract tow companies are required to respond with proper equipment and the drivers must have proper knowledge to operate that equipment.
2. Response Times: Tow companies are required to respond and be on-scene within 20 Minutes of being called to the West side of the I805 freeway and within 30 minutes of being called to the East side of the I805 freeway.

(b) Complaint Procedures:

1. Complaints against tow companies shall be referred to a Traffic Sergeant.
2. A memo describing the complaint and copy of the dispatch complaint printout should be submitted to the Traffic Sergeant for investigation.
3. The Traffic Sergeant will contact the tow company and conduct an investigation of the incident.
4. If it is determined that the company is in violation of the contract, the findings will be forwarded to the Patrol Operations Division Commander and the Administrative Services Division Commander for further action.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the Impound 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 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).

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(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

510.7 30 DAY HOLDS

A vehicle that has been impounded per section 22651(p) CVC where the driver has been cited for a violation of section 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is not impounded pursuant to section 22655.5, must be held for 30-days pursuant to 14602.6(a)(1) CVC where all of the following conditions are satisfied:

(a) Evidence exists that previous deterrents have not been effective. Examples include: the driver's record shows one or more convictions for driving unlicensed or with a suspended or revoked license; the driver's record shows multiple suspensions, for any reason, with verified proof of service; the Stolen Vehicle System (SVS) shows that the vehicle has been previously stored for 22651(p) CVC or 14602.6(a)(1) CVC.

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(b) Officers must make a reasonable effort to ensure the non-existence of a driver's license or that the driving privilege is actually suspended or revoked at the time of the enforcement contact, and that proper notice has been served. **Note: If the driver has not been served notice of suspension or revocation, the officer shall issue a form DL310A, "Verbal Notice by Peace Officer or DMV Employee," and seize the driver's license if it is in the person's possession. The DL310A and the driver's license shall be mailed to the DMV at the end of the shift. Under these circumstances, the vehicle will be impounded per Section 22651(p) CVC.**

(c) The driver shall be cited for a violation of Section 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, 14601.5, or 14604 in addition to the violation which initiated the enforcement contact.

(d) The vehicle is physically upon a highway, public lands, or on private property after having been on a highway or public lands.

Unlike impounds under the Community Caretaking doctrine, 14602.6(a) CVC is considered a civil forfeiture and therefore has a very different intent from regular "non-hold" impounds. Whenever a driver is cited and vehicle is impounded under 14602.6(a) CVC, that person has already been convicted of a crime and is again driving without a valid license - which is very different than a single instance of merely driving without a current valid license. (Bennis v. Michigan, 516 U.S. 442 (1996)). Therefore a vehicle may be impounded under this section even though the requirements of the Community Caretaking doctrine may not be met.

Officers shall mark the "Agency Hold" box and indicate a "Licensing Hold for 30 days" in the storage authority/reason space provided on the impound report. The circumstances of the enforcement contact and justification for the 30-day impound hold per Section 14602.6 CVC must be contained in the narrative portion of the impound report.

510.8 IMPOUNDS FOR OTHER AGENCIES

Whenever an officer is involved in assisting other law enforcement agencies where that agency has primary jurisdiction over the vehicle and its occupants, the disposition of the vehicle will be the responsibility of that agency.

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Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Chula Vista Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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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 Chula Vista Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic 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.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

514.4 FIELD TESTS

The Traffic 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.

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(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH SAMPLES

The Traffic 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 Traffic 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).

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

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alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

514.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

514.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

514.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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514.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arresteeof 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.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

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(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

514.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.7 POLICE SUPPORT SERVICES RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.8 ADMINISTRATIVE HEARINGS

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

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An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

514.9 TRAINING

The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.

514.10 ARREST AND INVESTIGATION

514.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.

(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 him/herself or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

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Traffic Citations

516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES

The Traffic Unit Lieutenant or manager shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Quartermaster shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Bureau.

516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the original (white) copy of the citation and the original (white) copy of the Notice of Correction and proof of service to Police Support Services. A copy of the citation and the pink copy of the Notice of Correction and proof of service shall then be mailed to the cited citizen via US mail. The Police Support Services division will then forward both original copies to the courts for processing.

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516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Police Support Services.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Police Support Services.

516.6.1 REFUSAL TO SIGN TRAFFIC CITATION

When a violator refuses to sign a traffic citation the citing officer shall refer the violator to the printed information on the face of the citation directly above the space provided for his/her signature. The violator shall be informed that signing a citation does not constitute an admission of guilt, but merely a signed promise to appear and answer to the charge. When the violator has been advised and continues to refuse to sign the citation, the citing officer shall request that a supervisor respond to the scene. The supervisor shall, whenever possible, resolve the matter at the scene.

After every reasonable effort has been made to obtain the violator's signature on a citation and they still refuse to sign, the violator shall be arrested. The violator shall be taken without delay before a magistrate or booked into jail if no magistrate is available. When a person who refuses to sign a citation is arrested, the violator shall be booked for the cited offense(s) pursuant to Vehicle Code § 40302(b). An arrest report shall be completed, detailing the circumstances of the initial stop or contact, the refusal to sign, and the subsequent arrest.

516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Traffic Bureau, in concert with the issuing officer, who will review written/documentary data. Requests for administrative reviews are available on the "Request to Dismiss" form, available at the front desk or Traffic Bureau of the Chula Vista Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency. The Finance Department has final authority during administrative review.

(b) If the appellant wishes to pursue the matter beyond an administrative review, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

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516.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking (Violation Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209 and Vehicle Code § 40210).

516.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215)

(c) Before receiving an administrative hearing, an appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

520.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.3.2 MOVING STRANDED VEHICLES

Police vehicles not equipped with push bumpers shall not be used to push, pull or tow stranded vehicles.

520.3.3 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

520.3.4 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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72-Hour Parking Violations

524.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Chula Vista City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

524.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Chula Vista 72-Hour Parking Ordinance shall be marked and noted on the Chula Vista Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card.

All Marked Vehicle Cards shall be submitted to the Traffic Bureau for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Bureau.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

524.2.1 MARKED VEHICLE FILE

The Traffic Bureau shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

524.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Police Support Services immediately following the storage of the vehicle. It shall be the responsibility of the Police Support Services to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Police Support Services to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

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Emergency Response Cost Recovery

527.1 PURPOSE AND SCOPE

Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident (Government Code § 53150).

The City of Chula Vista and the Chula Vista Police Department shall enact the provisions of Emergency Response Cost Recovery program as outlined in Government Code § 53150 in order to recover the expenses of emergency responses by police personnel.

527.1.1 PROGRAM OUTLINE

Government Code § 53150 allows a public agency to recover expenses of an emergency response, not to exceed $12,000 per each incident, from any incident caused by a person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and/or drug, while negligently operating a motor vehicle, boat or vessel, or civil aircraft. This statute also allows for the recovery of expenses against any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, such as, but not limited to, police pursuits and evading arrests.

The monetary charge to the liable person is collectable by the City of Chula Vista in the same manner as an obligation under a contract.

The monetary charges to be billed will be direct costs to the City for the emergency response including cost of repairing or replacing City property damaged or destroyed due to the person's conduct and/or acts; the hourly salary and fringe benefit costs of the police and/or other City personnel who directly respond to an incident for the time spent to complete the emergency response.

527.2 CRITERIA FOR PROGRAM

The Emergency Response Cost Recovery program should be applied whenever a subject is arrested for any of the following circumstances:

(a) Driving under the influence of alcohol and/or drugs (DUI), defined as:

1. Driving under the influence of alcohol and/or drugs is evidenced by objective symptoms observed by the arresting officer and a blood, breath, or urine test above the legal limit (currently .08 alcohol level); and

2. Negligent operation of motor vehicle is evidenced by an accident as defined under the Vehicle Code, Sections 21100 et seq.; and

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3. The incident evidenced by an accident was proximately caused by driving under the influence of alcohol and/or drugs; and
4. The incident necessitated an emergency response by police or fire units responding to the incident. The emergency response does not need to entail the use of emergency lights and siren.

(b) Other criminal acts resulting from unlawful conduct while operating a motor vehicle, including:

1. A motor vehicle was operated in an intentionally wrongful or negligent manner which proximately causes any incident resulting in an appropriate emergency response, or
2. A motorist attempts to evade arrest for acts involving operation of a motor vehicle with intentionally wrongful or negligent conduct which injures another person or damages property, or
3. A motorist rammed or threatened to ram police vehicles or property while attempting to evade arrest.
4. The incident necessitated an emergency response by police or fire units responding to the incident. The emergency response does not need to entail the use of emergency lights and siren.

(c) Criminal acts resulting in damage to City property:

1. Any criminal act that defaces, damages or destroys property belonging to the City of Chula Vista. Examples of such incidents are: the criminal removal of posted signs, vandalism, damages from burglary, arson, etc.
2. The incident necessitated an emergency response by police or fire units responding to the incident. The emergency response does not need to entail the use of emergency lights and siren.

527.3 PROGRAM PROCEDURES

Whenever personnel respond to the circumstances specified in §527.2 of this Policy Manual, the primary case officer or his/her designee should complete the Emergency Cost Recovery form. The completed form should be attached to the collision report and submitted the Traffic Unit. Only one form is required per incident. In driving related incidents, the officer who is responsible for completing the collision report shall complete the Emergency Cost Recovery form.

The electronic form is accessible on the citywide "H" driver, inside the folder titled "POLICE" is the folder titled Cost Recovery Risk Management. Once completed, save the report in the same folder on the shared drive so Risk Management can access it. Title the report using the case number and date of the incident. (ex. 10-00000 MMDDYY) Print a copy of the ECR and include it in your report.

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Emergency Response Cost Recovery

Upon receipt of a properly completed Emergency Cost Recovery form, a Traffic Sergeant or his/her designee should review the form for accuracy and completeness. The form should be forwarded to the City's Finance Department.

Police Department personnel shall cooperate with the Finance Department for the purposes of accurate claims and billing.

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

600.2 POLICY

It is the policy of the Chula Vista Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

600.3.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the CID supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.3.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

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(b) The 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.

(c) 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.

(d) 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.

(e) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(f) The questions are part of a routine processing or booking, and are not an interrogation.

(g) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.4 INITIAL INVESTIGATION

600.4.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
5. Collect any evidence.
6. Take any appropriate law enforcement action.

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7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

600.4.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian 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 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.

2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

600.6 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that

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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.

600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the Internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

600.7.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer or any other electronic device, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes. Access is restricted to legitimate criminal justice uses for the purpose of furthering law enforcement goals and enhancing public safety, except where explicitly authorized elsewhere in this manual.

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.

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600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

600.8 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

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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 Chula Vista Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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602.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The CID 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 will be provided to:

1. Members who are first responders. Training should include:
   - (a) Initial response to sexual assaults.
   - (b) Legal issues.
   - (c) Victim advocacy.
   - (d) Victim's response to trauma.
2. Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
   - (a) Interviewing sexual assault victims.
   - (b) SART.
   - (c) Medical and legal aspects of sexual assault investigations.
   - (d) Serial crimes investigations.
   - (e) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
   - (f) 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 the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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 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

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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) Advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

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.

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.

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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). Generally, rape 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 investigator shall ensure that an information profile for the sexual assault 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 investigator determines that a kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the investigator shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned investigator 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 investigator shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

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 information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

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1. 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.
2. Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
    1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.
    2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
    3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank of case evidence.
3. 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.

602.9 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 CID supervisor.

Classification of a sexual assault case as unfounded requires the CID 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.

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602.10 CASE REVIEW

The CID 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.

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Digital Evidence Unit

603.1 PURPOSE AND SCOPE

This policy establishes the responsibilities and duties of the Digital Evidence Unit; hereinafter referred to as DEU.

603.2 POLICY

DEU is responsible for obtaining and managing digital evidence, including data from mobile devices, for the purpose of providing detectives with evidence that may assist in their investigation.

DEU is also responsible for fulfilling digital evidence requests from the San Diego County District Attorney's office such as 911 call recordings, radio transmissions, and Body Worn Camera (BWC) evidence.

DEU Investigators may include full-time sworn and non-sworn employees including Community Service Officers and Civilian Analysts. Sworn personnel may also be assigned to DEU as a collateral duty provided they meet the minimum training requirements.

603.3 TRAINING

Personnel assigned to DEU shall, at a minimum, attend basic training related to mobile device extraction techniques provided by established and reputable organizations that may include local, state, and federal law enforcement agencies, and/or vendor provided training required for specific extraction devices, platforms, or techniques.

603.4 RESPONSIBILITIES

Job duties include but are not limited to:

(a) Extraction and analysis of data from mobile devices.

(b) Obtaining other electronic communication data, including data from service providers.

(c) Preparing reports.

(d) Court testimony.

(e) Training Officers and Detectives on proper evidence collection and preservation related to digital evidence.

(f) Purchase and maintenance of equipment related to digital evidence investigations.

(g) Ensuring quality control.

(h) Researching, evaluating and testing new technologies.

(i) Ensuring compliance with the Electronic Communications Privacy Act (ECPA) and other legal standards and requirements related to digital evidence.

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603.5 WORK REQUESTS

The DEU Work Request Form should be submitted with any evidence given to the unit. Legal authority (search warrant, consent form, etc.) must be provided with the actual work request before any forensic examination. Legal authority for 4th waivers need not be attached.

603.6 RECEIVING EVIDENCE

Evidence shall be presented to DEU in the following manner:

(a) The evidence may be impounded in Evidence (Crime Lab) and a work request presented to DEU. DEU personnel will then retrieve the property directly from Evidence.

(b) The evidence may be submitted directly to DEU. In some cases the requesting officer shall maintain custody of the evidence throughout the examination. If custody is transferred to DEU, it shall be done through the formal work request process and recorded for chain of custody.

(c) If the evidence is left with DEU for longer than the time necessary for a walk in examination/extraction, then DEU shall formally obtain custody of the evidence and shall ensure the completion of a Chain of Custody Form.

(d) In all cases, the chain of custody of all evidence shall be maintained and documented.

Impounded evidence shall remain in the custody of DEU for only as long as the active examination requires. The DEU Investigator must return the evidence to the Crime Lab or the requester once the examination is complete and the evidence is no longer needed. In all cases the chain of custody shall be documented.

603.7 CASE ASSIGNMENTS

Cases are prioritized based upon the discretion of the DEU Investigator, with final approval by the DEU Supervisor. Generally cases are prioritized based upon the severity of the threat or crime. Other time sensitive situations that may affect prioritization may include examples such as: evidence needed for court, evidence that must be returned to the victim quickly, or evidence subject to rapid destruction.

DEU will scan and attach to the case folder all DEU generated written reports and printed documents related to the digital evidence investigation. All digital evidence will be saved to an appropriate media and provided directly to the investigating officer or logged into evidence (or both).

Multiple cases may be worked simultaneously. It is the responsibility of the DEU Investigator to maintain proper management of the evidence and documentation.

DEU will maintain workload statistics (extractions, completed cases, backlogged cases, etc.).

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603.8 MOBILE DEVICE EXAMINATION PROCEDURES

The following steps should be taken into consideration when examining a mobile device:

(a) Attempt to prohibit the transmission/reception of data as soon as practical (e.g. Faraday fabric, aluminum foil, metal "arson evidence" container, airplane mode, etc.).

(b) Document what measures were taken to prohibit the transmission/reception of data and any alterations made to the mobile device. Note: A Faraday device may not block all radio frequency transmissions for some mobile devices. Document any observed transmission activity.

(c) If the mobile device is not functioning, it may be repaired by a person trained in mobile device repair techniques. These repairs may include removing and replacing internal parts or cleaning corrosion caused by water damage or age.

1. The mobile device shall be carefully disassembled and inspected. If corrosion is evident on critical components it shall be cleaned as appropriate. If the corrosion is widespread, the entire circuit board may be cleaned using cleaning solution and an ultrasonic cleaner.

2. If a critical component is physically damaged it may be repaired or replaced by personnel trained in such repairs. Replacement parts may be found from online distributors or in the unit's mobile device collection. Photographic documentation of the repair will be kept in the case. If the replacement part is easily removable (i.e. not soldered to the circuit board) it may be removed from the mobile device prior to returning the device.

(d) Check for passwords and consider disabling it if possible.

(e) If it is not possible to prohibit the transmission/reception of data to the device, turn the device off.

(f) As soon as possible, attempt to power the device by an external power source or ensure it has enough power reserves to prevent it from turning off prior to examination. Change the battery prior to examination if the device cannot be powered during examination.

1. Note: When a radio frequency blocking device is utilized, the cellular phone may boost its wireless signal strength in an attempt to connect with the cellular network. The power consumption will increase during this activity and drain the battery. The power cable may act as an antenna, so the cable must also be shielded to prevent the transmission/reception of radio frequencies.

(g) Perform examination of the mobile device as soon as possible.

1. Note: Some devices may require constant power from the battery to maintain volatile memory.

(h) In most cases, if SIM or SD cards are in the device when it is received, the device will be processed as received. At the discretion of the DEU Investigator, the SD or SIM cards may be extracted separately from the device.

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(i) A write blocker must be used when extracting data from removable storage media independent of the mobile device.

(j) In most instances, the DEU Investigator will perform the highest level extraction available for a device and supplement it with a logical extraction. As each case is different, extractions performed will depend on the type of device and the specifics of the case.

603.9 DEU REPORTING

A mobile device examination report should include the following information, as appropriate:

(a) The equipment and set up used in the examination.

(b) Brief description of steps taken during examination.

(c) Supporting materials such as printouts of particular items of evidence, digital copies of evidence and chain of custody documentation.

(d) Details of findings:

1. Specific data related to the request.
2. Other data that supported the findings.
3. String searches, keyword searches and text string searches
4. Indicators of ownership, which could include program registration data.
5. Description of relevant programs on the examined items.
6. Techniques used to hide or mask data such as encryption, steganography, hidden attributes, hidden partitions and file name anomalies.
7. Requests to the DEU Investigator for information pursuant to a search warrant such as decryption of data that is not recoverable with current tools employed by the unit.

(e) As appropriate, the following (or similar) wording will be included in each report:

1. Where possible, all evidence mobile devices are disconnected from the network when returned. Enabling network connection on theses devices may result in loss of all currently stored data.
2. Pursuant to the California Electronic Communications Privacy Act (ECPA) under Penal Code Section 1546.1(d), it is the investigating officer's responsibility to seal any portion of that data set which is found to be unrelated to the objective of the warrant, such that it is not subject to further review, use or disclosure without a court order.

603.10 LEGAL AUTHORITY

It is the responsibility of the DEU Investigator to ensure there is sufficient legal authority and supporting documentation prior to examination of any device or digital evidence.

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The DEU Investigator may need to specifically inquire about potential confidential or privileged information per the Privacy Protection Act that may be encountered while processing the submitted evidence.

603.11 DEVICE IDENTIFICATION

When possible, record the manufacturer, model, and identifiers (e.g. IMEI, MEID) of the submitted equipment, and also its condition.

603.12 ISOLATION OF DEVICE

Stop the reception and transmission of data by powering down the device using a transmission blocking barrier, or device setting (e.g. Airplane Mode), if applicable.

603.13 PRIVILEGED DATA

In the event that a DEU Investigator encounters documents or data files which the DEU Investigator believes may be legally privileged, the DEU Investigator will immediately stop the analysis and contact the submitting Officer or Detective for guidance as to how to proceed.

603.14 EVIDENCE OF OTHER CRIMES

If a DEU Investigator discovers evidence of another crime(s) that is outside the scope of the submitted legal authority, they will notify the submitting officer of the discovery and nature of any evidence of other crime(s) outside the scope of the original search warrant.

NOTE: Analysis per the original legal authority can be continued, but only to include the original search criteria.

603.15 DATA ANALYSIS

In cases where there is a request for DEU to review and analyze digital evidence, the DEU Investigator should become familiar with the circumstances of the crime or incident, the parties involved, and any potential evidence. The DEU Investigator should seek to provide any assistance, advice, or expertise to assist in the investigation.

603.16 EXTRACTED DATA MANAGEMENT

Any digital evidence obtained by DEU shall be stored on an appropriate medium (CD/DVD/Blu-ray/flash drive/hard drive). One copy may be kept as the master by DEU and/or the submitting officer and another copy impounded in the Property Room.

The Master Copy will have all of the extracted data files, including any partial or empty folders accumulated during the extraction process and shall be logged into evidence.

The copies created for release will have only the readable data file(s). A copy of the Master Copy will be provided to the DDA as part of any discovery request.

The data on the Master Copy may also be maintained on unit hard drives.

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603.17 VALIDATION

Licensed software is generally regarded as reliable by merit of the testing and validation conducted by the developer, as well as by the widespread use in the digital forensic community; however, additional internal verification may be required.

603.18 REFERENCE DEVICES

Reference Devices are devices (e.g., phones, tablets, etc.) which are used for testing, training, or parts.

A log will be maintained of the reference device collection which will, at a minimum, document the following:

(a) Type of device.

(b) A unique reference number.

(c) Manufacturer, model, serial number and/or unique manufacturer numbers.

603.19 EQUIPMENT UPDATES

Software and equipment manufacturers update their products periodically. In order to maintain the most current updates and upgrades, annual or bi-annual renewal of service fees may be required by manufacturers.

Without the most current update product, probative data may not be found on some devices at time of processing.

Updates will be applied first to the tools/devices in use in the laboratory. The newly updated tools will then be performance checked.

603.20 RETENTION OF UPDATES AND UPGRADES

The current software version of the equipment and firmware, when possible, must be archived.

603.21 PERFORMANCE CHECK AFTER AND UPDATE OR MAINTENANCE

A performance check of equipment using the control devices will be conducted after the installation of an update or if any maintenance is performed.

A new tool that is being installed to replace a defective tool will be verified (performance checked) prior to its first use on casework. This is for new tools being used with an established method.

Performance checks will involve an acquisition in which the equipment or technique can retrieve data which has been placed on the device specifically for validation / performance check purposes. Acquired data files will be compared to the control device data files.

If a performance check fails, a previous version of the tool may continue to be used until a compatible version upgrade is available. The supervisor and staff will be immediately notified.

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603.22 FAILED PERFORMANCE CHECK

If any tool fails a performance check, no analytical work will be conducted with that tool until the source of the problem has been determined and corrected.

The tool will be marked as “Out of Service.”

The unit supervisor and staff will be notified of the failed performance check as soon as possible.

603.23 INTEGRITY OF TRANSFERRED DATA

Transfer of data from one medium to another (e.g., flash drive to hard drive or flash drive to flash drive) will be verifiable through a hashing algorithm.

603.24 ACRONYMS AND ABBREVIATIONS

ADB – Android Debug Bridge

API – Application Programming Interface

BD – Blu–ray Disc

BD-DL – Dual-layer Blu-ray Disc

BD-QL – Quad-layer Blu-ray Disc

CD – Compact Disc

CDMA – Code Division Multiple Access

CD-R – Recordable Compact Disc

CD-RW – Rewritable Compact Disc

Config – Configuration

Cont – Continued

CW – Clockwise

DB / db - Database

DFU – Device Firmware Update

DVD – Digital Versatile Disc

DVD-DL – Dual-layer Digital Versatile Disc

EDT – Eastern Daylight Time

eMMC-embedded MultiMediaCard

ESN – Electronic Serial Number

EST – Eastern Standard Time EXT Data – Extended Data

GSM – Global Systems for Mobile Communications

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ICCID – Integrated Circuit Card Identifier

iDEN – Integrated Digitally Enhanced Network

IMEI – International Mobile Equipment Identity

IMG – Image

IMSI – International Mobile Subscriber Identity

JPEG / .jpeg – Joint Photographic Experts Group

MDN – Mobile Directory Number

MEID – Mobile Equipment Identifier

MIN – Mobile Identification Number

MMS – Multimedia Messaging Service

MSISDN – Mobile Subscriber Integrated Services Digital Network

PIN – Personal Identification Number

PUK – Personal Unlock Key

QA – Quality Assurance

SD – Secure Digital

SDN – Service Dialed Number

SIM – Subscriber Identity Module

SMS – Short Message Service

SMSC – Short Message Service Center

S/N – Serial Number

TDMA – Time Division Multiple Access

TIFF / .tiff – Tagged Image File Format / Graphics File Format

TMSI – Temporary Mobile Subscriber Identity

UICC – Universal Integrated Circuit Card

USIM – Universal Subscriber Identity Module

UTC – Coordinated Universal Time

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Asset Forfeiture

606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Chula Vista Police Department seizes property for forfeiture or when the Chula Vista Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

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1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

606.2 POLICY

The Chula Vista Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Chula Vista Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

606.3 ASSET SEIZURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a narcotics detective. The following guidelines will be observed:

(a) All property received for forfeiture shall be checked to determine if the property has been reported stolen.

(b) The seizing officer will log currency and other property potentially subject to forfeiture utilizing current Property room protocols and procedures.

(c) Vehicles subject to potential forfeiture will be temporarily parked in the basement of the Chula Vista Police Department (space permitting). Vehicles that have a salvaged title, extremely high mileage or a significant outstanding loan balance will generally not be processed for forfeiture. Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

(d) The assigned narcotics detective will contact the San Diego County District Attorney's Asset Forfeiture Unit for authorization to initiate asset forfeiture proceedings.

(e) The assigned narcotics detective will coordinate the service of the appropriate seizure paperwork on all the parties who have potential standing to claim the assets.

(f) Currency subject to seizure will be deposited in the San Diego County District Attorney's Asset Forfeiture Unit's bank account. The deposit receipt will be logged into the Chula Vista Police Department's property room under the original case number.

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606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination the assigned narcotics detective and the San Diego County District Attorney's Asset Forfeiture Unit

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.

2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6). Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

(d) Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

606.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to the police facility for temporary storage until the matter can be reviewed by the Narcotics Enforcement Team. The officer seizing the vehicle shall

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notify the Narcotics Enforcement Team supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the police facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

606.4 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

606.5 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

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Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

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Informants

607.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

607.1.1 DEFINITIONS

Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Chula Vista Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Chula Vista Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

607.2 POLICY

The Chula Vista Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

607.3 USE OF INFORMANTS

607.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

607.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol or tobacco products the use of any juvenile 13 years of age or older as an informant is only permitted when authorized by court order (Penal Code § 701.5).

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable

(d) The Chief of Police or the authorized designee

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607.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

607.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Division Commander, Narcotics Enforcement Team supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Chula Vista Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Narcotics Enforcement Team supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Narcotics Enforcement Team supervisor.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

607.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a

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determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

607.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Narcotics Enforcement Team. The Narcotics Enforcement Team supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Division Commander, Narcotics Enforcement Team supervisor or their authorized designees.

The Investigation Division Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Narcotics Enforcement Team supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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607.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(i) Name of the officer initiating use of the informant

(j) Signed informant agreement

(k) Update on active or inactive status of informant

607.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Narcotics Enforcement Team supervisor will discuss the above factors with the Operations Division Commander and recommend the type and level of payment subject to approval by the Chief of Police.

607.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments are to be paid in cash from a Narcotics Enforcement Team buy/expense fund.

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1. The Narcotics Enforcement Team supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   - (a) Date
   - (b) Payment amount
   - (c) Chula Vista Police Department case number
   - (d) Informant Number
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

607.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be notified of the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the notice. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

607.6.3 AUDIT OF PAYMENTS

The Narcotics Enforcement Team supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every year, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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Truth Verification

608.1 PURPOSE AND SCOPE

Truth verification devices, such as polygraph and Computer Voice Stress Analysis (CVSA) technologies, are authorized for use by qualified members approved by the Chief of Police or his/her designee. The Department generally uses CVSA technology for truth verification purposes, and CVSA technology may generally be substituted wherever a polygraph examination is called for in this Policy Manual. The Department reserves the right to use alternate qualified truth verification technologies including but not necessarily limited to polygraph technology.

608.2 USE OF TRUTH VERIFICATION DEVICES

Truth verification devices, including the Computer Voice Stress Analyzer (CVSA), may be used solely for the purpose of conducting as criminal investigations, pre-employment background investigations, or administrative investigations where authorized by the Chief of Police and in accordance with applicable laws and agreements with relevant bargaining units.

Whenever any truth verification device is used for a truth verification examination, the examining employee shall adhere to all applicable policies and guidelines of the instrument manufacturer. Whenever a CVSA is used for a truth verification examination, the examiner shall also adhere to the policies and guidelines of the National Institute for Truth Verification (NITV).

Employees are prohibited from requiring or requesting any complaining witness, in a case involving the use of force, violence, duress, menace, or threat of great bodily harm in the commission of any sex offense, to submit to a truth verification examination as a prerequisite to filing an accusatory pleading (Penal Code § 637.4).

608.2.1 VIDEOTAPING OF TRUTH VERIFICATION EXAMINATIONS

Examining employees shall videotape all truth verification examinations. Exceptions may be granted by the Unit Supervisor where the examination takes place outside the police facility, where the examination is the result of a covert audio or video tape, or where videotaping equipment is not reasonably available.

Videotapes of truth verification examinations for criminal investigations shall be booked as criminal evidence.

608.2.2 EXAMINATION TECHNIQUES

Truth examiners shall only use only those examination techniques authorized by the Department including, but not necessarily limited to, defense barrier removal, question formulation, and examination formats.

608.2.3 CONFIDENTIALITY OF ADMINISTRATIVE INVESTIGATIONS

Examiners conducting a truth verification examination as a part of an administrative investigation shall not discuss the examination or investigation with anyone other than the employee in charge

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of the investigation, except as otherwise directed by legal authority or in accordance with the direction of the Chief of Police.

608.2.4 EXAMINATION WAIVERS
With the exception of covert examinations, truth verification examiners shall obtain a signed waiver of liability from the person to be examined prior to the examination taking place.

608.2.5 USE AND MAINTENANCE OF TRUTH VERIFICATION EQUIPMENT
Truth Verification Equipment shall be the responsibility of the Truth Verification Unit, under the direction of the Unit Supervisor. Only authorized members of the Truth Verification Unit may handle truth verification equipment. All other employees are prohibited from handling or operating truth verification equipment.

608.3 REPORTING OF TRUTH VERIFICATION EXAMINATIONS
All reports of truth verification examinations shall be written in accordance with the direction of the Unit Supervisor. Truth verification examinations using the Computer Voice Stress Analyzer shall also be written in accordance with the recommendations of the National Institute for Truth Verification and the International Association of Computer Voice Stress Analysts.

608.3.1 RETENTION AND STORAGE OF TRUTH VERIFICATION RECORDS
Records of truth verification examinations shall be considered confidential. The Department will provide space to store and secure truth verification records. All truth verification records are the property of the Chula Vista Police Department. However, responsibility for the maintenance and security of those records shall be the responsibility of each truth verification examiner. In the event an examiner separates from the Truth Verification Unit, that employee shall deliver all truth verification records and equipment to the Unit Supervisor.

Truth verification examiners shall maintain their written records, examination charts and videotapes in accordance with the following:

(a) Criminal investigations resulting in criminal conviction: The examiner shall retain the original examination report and related charts for that period of time the suspect is in physical custody as a result of a criminal conviction. The videotape shall be booked as evidence. Neither a copy of the examination report nor a copy of the related charts shall be retained with the criminal case file.

(b) Criminal investigations not resulting in criminal conviction: The examiner shall retain the original examination report and related charts for as long as the statute of limitations for the alleged criminal offense(s) has not elapsed. The videotape shall be booked as evidence. Neither a copy of the examination report nor a copy of the related charts shall be retained with the criminal case file.

(c) Pre-employment background investigations: The examiner shall retain the original examination report, related charts, and videotape for a period of three years from the date of examination, after which the documents and videotape shall be destroyed. The

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examiner shall also deliver a copy of the examination report and all related charts to the background investigator, for retention in the background file.

(d) Administrative investigations: The examiner shall deliver the original examination report, related charts, and videotape to the administrative investigator, for retention in the investigation file. The examiner shall not make or retain copies of any related document or videotape.

608.4 TRUTH VERIFICATION UNIT

The Truth Verification Unit shall be assigned to the Professional Standards Unit, under the operational command of the Professional Standards Unit Lieutenant. The Truth Verification Unit shall consist of a Unit Supervisor, a Senior Truth Verification Examiner, and a number of Truth Verification Examiners as determined by the Chief of Police.

Assignment to the Truth Verification Unit is considered a collateral assignment and, as such, is not subject to the regular departmental rotation of personnel assignments.

608.4.1 APPLICATION AND ELIGIBILITY FOR ASSIGNMENT

Employees must be off probation upon application to the Truth Verification Unit. Applications shall only be accepted upon the announcement of a vacancy and request for applications.

608.4.2 TRUTH VERIFICATION EXAMINER RESPONSIBILITIES

Truth Verification Examiners are expected to fulfill a 6-year minimum commitment to the Truth Verification Unit. Employees promoted to the rank of Agent or Sergeant are still expected to fulfill the minimum commitment . Employees promoted to the rank of Lieutenant should be separated from the unit.

Truth Verification Examiners are responsible for the lawful and appropriate use of truth verification equipment and protocols, which includes, but is not necessarily limited to the following:

(a) Obtaining and maintaining standardized certification for truth verification equipment, which shall include successfully completing a basic certification course before using truth verification equipment, and successfully completing one recertification course and one advanced instruction course at least once every three years from the date of basic certification

(b) Lawful use of truth verification equipment

(c) Adherence to accepted truth verification examination procedures in accordance with this policy

(d) Safe and efficient use of truth verification equipment

(e) Timely scheduling of truth verification examinations

(f) Timely reporting of truth verification examinations

(g) Security of truth verification equipment, documents, and evidence

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(h) Reporting to the Unit Supervisor any defective or malfunctioning equipment, or any violations of this policy

(i) Examiners are encouraged to maintain membership in NACVSA

608.4.3 SENIOR TRUTH VERIFICATION EXAMINER RESPONSIBILITIES

The Senior Truth Verification Examiner is responsible for the maintenance of truth verification equipment, seeking out training for Truth Verification Examiners, and will serve as a liaison between Truth Verification Examiners and truth verification professional organizations. These organizations may include, but are not necessarily limited to, the following:

- National Association of Computer Voice Stress Analysis (NACSVA)
- National Institute for Truth Verification (NITV)
- International Association of Computer Voice Stress Analysts (IACVSA)

608.4.4 TRUTH VERIFICATION UNIT SUPERVISOR RESPONSIBILITIES

The Unit Supervisor shall be of the rank of Sergeant, and is responsible for the overall operations of the Truth Verification Unit. This shall include, but is not necessarily limited to, the following:

(a) Insuring truth verification examinations are completed in a timely and professional manner in accordance with this policy

(b) Submitting purchasing requests to the Professional Standards Unit Lieutenant for equipment necessary for the Truth Verification Unit

(c) Requesting necessary training for Truth Verification Examiners

(d) Receiving and distributing requests for truth verification examinations to the examiners

(e) Evaluating the conduct and procedures of Truth Verification Examiners

(f) Periodically auditing the work of Truth Verification Examiners to insure adherence to this policy

(g) Periodically auditing videotaped Truth Verification Examinations

(h) Maintaining records of the Truth Verification Unit, including records of related equipment and personnel

(i) Coordinating with the Professional Standards Unit to insure the accurate maintenance of training and certification records

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Eyewitness Identification

609.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

609.1.1 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.

609.2 POLICY

The Chula Vista 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.

609.3 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.

609.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The CID 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.

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(b) The name and identifying information of the witness.

(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 they 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 they understand the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain they are 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.

609.5 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.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

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609.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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.

609.6.1 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).

609.6.2 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).

609.7 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.

609.7.1 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 they are of the identification or non-identification. Members should not say anything to a witness that 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).

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609.8 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 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.

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Arson Investigations

610.1 PURPOSE AND SCOPE

Arson investigation is unique in that it requires close cooperation between Police and Fire Departments and the specific responsibilities of each agency must be understood by all. This policy is intended to guide personnel in the reporting and investigation of arson crimes.

610.2 POLICE DEPARTMENT RESPONSIBILITIES

While the Fire Department has the responsibility of investigating every fire to determine the cause and point of origin of a fire, the Police Department has the responsibility for investigating the crime of arson or any other offense and for arresting offenders.

Fire Department Inspectors are generally called out by Fire Department personnel in the following circumstances:

- Incendiary or suspicious fires
- Any structure fire with a loss in excess of $50,000.00
- Any bomb or suspected bomb related incident
- When an arrest has been made for arson
- Fires or explosions involving fatalities or serious injuries
- When there is doubt as to the cause of a structure fire
- Suspicious or incendiary vehicle fires when there is a known suspect(s)
- Grass or rubbish fires when there is a known suspect(s)

Police Department personnel are generally notified if the fire is suspicious in nature and/or if a crime is suspected. Responding employees shall investigate the criminal nature of the fire and should attempt to collect information from the Fire Inspector about the circumstances, nature, origin and, when known, cause of the fire. In most cases, the Fire Department investigator will complete a Cause and Origin Fire Report and cross-reference it to the related police report.

If there is probable cause to believe a crime has been committed, a crime report shall be taken.

If the fire is merely suspicious in nature but cannot be confirmed to be the result of a criminal act, a "Miscellaneous Incident" report should be taken.

610.3 RESPONSIBILITIES AT THE CRIME SCENE

When any officer is called to a fire scene, he/she is responsible for the preservation of the scene until the Fire Department Inspector arrives. The officer is responsible for witness statements, documenting the scene and evidence collection including photographs. Department employees should cooperate with and assist the Fire Inspector as practical.

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Evidence at fire scenes should be documented and collected by the investigating officer, unless otherwise requested by the Fire Inspector. If it appears a criminal fire was set for the purposes of destroying evidence of another crime (such as a homicide, burglary, or robbery), the Fire Department inspector should be notified and a Police Department Arson Investigator called out.

610.4 CALL OUT OF POLICE INVESTIGATORS AND/OR CRIME LAB

Either the Fire Inspector or investigating officer may determine if a Police Department Arson Investigator and/or the Crime Lab is needed at the scene. Requests for Police personnel should be forwarded to the on-duty Watch Commander.

During regular business hours, the investigating officer may telephone the Arson Investigator directly in order to brief him/her of the circumstances or request guidance or assistance.

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Brady Material Disclosure

611.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information#?) to a prosecuting attorney.

611.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Chula Vista Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

611.2 POLICY

The Chula Vista Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Chula Vista Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

611.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

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611.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

(a) In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

611.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

611.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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Miranda Rights

612.1 PURPOSE AND SCOPE

Several court decisions from the U.S. Supreme Court, the California Supreme Court, and the 9th Circuit Court of Appeals (which includes California) have clarified the Miranda rule and its potential impact on the civil liability of the Department and its members. The purpose of this policy is to establish guidelines to follow when, in the course of a custodial interrogation or interview, a subject invokes his/her Miranda rights.

612.2 CUSTODIAL INTERROGATIONS

The Miranda rule will be strictly adhered to. No custodial interrogation shall proceed without first giving the suspect his/her Miranda rights. No suspect in-custody should be interrogated "outside Miranda".

(a) The only recognized exception to the Miranda rule is the "Emergency Rescue" or "Public Safety" exception. (i.e. When your question or questions are reasonably prompted by a concern for the safety of another person, a victim, the defendant, or the public at large, or by a concern for your own personal safety.)

Officers will not continue interrogations after a custodial suspect invokes his/her Miranda rights.

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Unmanned Aerial System (UAS) Operations

613.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

613.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

613.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

613.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

613.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require authorization by the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing protocol for conducting criminal investigations involving a UAS.
- Implementing a system for public notification of UAS deployments during critical incidents.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

613.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible only where there is no protectable privacy interest or when in compliance with exigent circumstances, a search warrant, or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted within FAA regulations. Operations can include:

- Disaster relief
- Evidence collection
- Making public announcements. Examples can include:
    - Searching for a missing child
    - Emergency evacuation
    - Public health order: During the incidents of a pandemic, law enforcement personnel must limit their contact with the general public to mitigate the risk of infection.

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- Mapping and photographing crime scenes, traffic collision scenes, or other areas as needed
- Responding to emergency calls for service
- Search and rescue
- Support for Fire Department

613.6 PROHIBITED USE

The UAS equipment shall not be used:

- To conduct random surveillance activities.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

613.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

613.8 JOINT OPERATIONS OR UNIFIED COMMAND WITH CHULA VISTA FIRE DEPARTMENT

In the event that Chula Vista Fire Department UAS operators are assisting the police department with the operation of a UAS at a crime scene, any and all data/evidence obtained from the UAS will be provided to the police department for chain of custody. This data will be retained according to the department's retention standards.

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Warrant Service

614.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

614.2 POLICY

It is the policy of the Chula Vista Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

614.3 OPERATIONS MANAGER

The operations manager (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations manager will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

614.4 SEARCH WARRANTS

Officers should receive authorization from their supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations manager for review and classification of risk (see the Operations Planning and Deconfliction Policy).

614.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations manager for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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If the warrant is classified as high risk, service will be coordinated by the operations manager. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

614.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime warrant execution.

(b) A clear explanation of the affiant's training, experience and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

614.7 HIGH-RISK WARRANT SERVICE

The operations manager or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

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(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.

(h) A copy of the search warrant is left at the location.

614.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

614.9 ACTIONS AFTER WARRANT SERVICE

The unit supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

614.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The unit supervisor will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment

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- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the unit supervisor. The supervisor should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The supervisor should ensure that members of the Chula Vista Police Department are utilized appropriately. Any concerns regarding the requested use of Chula Vista Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations manager or unit supervisor is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Chula Vista Police Department jurisdiction, the unit supervisor should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Chula Vista Police Department when assisting outside agencies or serving a warrant outside Chula Vista Police Department jurisdiction.

614.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of Command Staff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

614.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

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Operations Planning and Deconfliction

615.1 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.

615.1.1 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.

615.2 POLICY

It is the policy of the Chula Vista Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

615.3 OPERATIONS MANAGER

The Chief of Police will designate a member of this department to be the operations manager.

The operations manager 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 manager will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The manager will also have the responsibility for coordinating operations that are categorized as high risk.

615.4 RISK ASSESSMENT

615.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

615.4.2 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 manager.

The supervisor and operations manager 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.

615.4.3 HIGH-RISK OPERATIONS

If the operations manager, after consultation with the involved supervisor, determines that the operation is high risk, the operations manager 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

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7. Additional surveillance
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.

615.5 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 into the San Diego Law Enforcement Coordination Center (SDLECC) 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.

615.6 OPERATIONS PLAN

The operations manager 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. Any formal plan should have copies of any existing tactical plans attached.

The plan should address such issues as:

(a) Operation goals, objectives and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present,

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information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Senior and Adult Victimization, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

615.6.1 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.

615.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and

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responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel will be directed to read the search warrant. Any items to be seized should be identified at the briefing.

(c) The unit supervisor shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations manager 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 unit supervisor to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.

2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

615.8 SWAT PARTICIPATION

If the operations manager determines that SWAT participation is appropriate, the manager 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.

615.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of Command Staff. Any media inquiries or press release after the fact shall be handled in accordance with the News Media Relations Policy.

615.10 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.

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615.11 TRAINING

The Training Manager should ensure officers and SWAT team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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Chapter 7 - Equipment

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Department Owned and Personal Property

700.1 PURPOSE AND SCOPE

The purpose of this policy is to enhance accountability for Department equipment and specify individual and command responsibilities. During the scope of duties employees may 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, or, through an act of negligence, the loss 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.

(f) Department equipment must be returned in good condition before an extended leave of absence, resignation, discharge, retirement or upon request from a supervisor.

Department issued equipment shall not be used for personal use without prior authorization from a supervisor.

700.2.1 REPORTING REQUIREMENT

In the event that department equipment or property is damaged, lost, or stolen, employees are responsible for the following before the employee goes off duty:

(a) Submit a detailed report to their immediate supervisor explaining any lost, or damaged departmental property or equipment issued for or assigned to their use.

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(b) Submit an Equipment Replacement/Reissue form (P.D. 614) to their supervisor so that a replacement can be issued.

(c) A lost or stolen property report will be completed in all cases. If the loss occurs in another jurisdiction, employees should attempt to obtain a copy of the report. If the report is unavailable, the case number should be included in the memo for the follow-up.

(d) The employee's supervisor will review the circumstances of the loss or theft in order to determine whether the loss or theft was unavoidable or was attributable to negligence or carelessness. That supervisor will then make recommendations to the Division Commander regarding responsibility.

(e) The memorandum and P.D. 614 should be forwarded to the Quartermaster.

700.2.2 UNIFORMS AND PERSONAL ISSUED EQUIPMENT

Uniformed personnel requesting uniform items for replacement/exchange should submit a P.D. 614 and forward the form through the appropriate chain of command. The approved form will be forwarded to the Quartermaster and the Quartermaster will contact the personnel to replace/exchange those items listed.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Employees may submit a request for reimbursement of personal property that is damaged or lost in the course of their duties. Employees should expect that, unless required by department authority, the decision to use personal property for job-related duties is theirs alone. The decision to use personal property for job-related duties inherently involves some risk that the property may be lost or damaged. Employees accept the sole responsibility for any loss or damage that occurs as a result of this decision. As such, the reimbursement or replacement of personal property shall be at the sole discretion of the Chief of Police or his designee. 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.

Any employee wishing to submit a request for reimbursement or replacement of personal property should submit a verbal report to their immediate supervisor as soon as circumstances permit.

Claims for reimbursement for damage or loss of personal property should also include an Equipment Replacement/Reissue form (P.D. 614) to the employee's immediate supervisor. The form should be submitted before the employee goes off duty or within any time frame as directed by a supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor should direct a memo to the appropriate Division Commander, which shall include the results of their investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

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Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police.

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. The written report may, with the supervisor's permission, take the form of an e-mail.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

700.5 ISSUING OF TEMPORARY-USE EQUIPMENT

Employees are prohibited from obtaining, using, borrowing, or otherwise checking out department-owned equipment for temporary use (such as radios, batteries, lapel microphones, Tasers, RADAR guns, LIDAR guns, PAS devices, spare shotguns, Pepperball launchers, etc.) except as authorized and in accordance with this policy.

For the purposes of this policy, "temporary-use equipment" is defined as department owned equipment that is available for temporary use by any employee and is serialized, bar coded, or otherwise labeled and identified as property of the Chula Vista Police Department. Temporary-use equipment does not include any department-owned equipment permanently assigned to an employee (such as weapons, leather gear, ballistic vests, uniforms, etc.), nor any equipment issued to an employee for extended assignments (such as special police radios for K9 or task force assignments, etc.)

Temporary-use equipment is normally stored in the Patrol Equipment Room, although certain specialized equipment may be stored elsewhere. The following personnel are authorized to checkout temporary-use equipment:

- All sworn supervisors, mid-managers, and managers

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- Agents assigned to the Patrol Division
- Community Service Officers assigned to the Patrol Division
- Other personnel as approved by a Division Commander

Each investigative unit supervisor is authorized to assign no more than one employee to access the Patrol Equipment Room and checkout temporary-use equipment. Additionally some specialized units (such as SWAT, the Crisis Negotiation Team, the Range, and others) may assign employees, with the permission of a Division Commander, to access the Patrol Equipment Room and checkout temporary-use equipment. Members of specialized units authorized to check out temporary-use equipment are limited to checking out equipment for the sole use of their respective specialized unit.

Employees checking out temporary-use equipment shall adhere to all procedures and protocols specified by department policy or order, or as directed by the Quartermaster or a supervisor. These protocols should normally include the appropriate use of the bar code tracking system. Employees checking out temporary-use equipment shall assign equipment to a specific officer using the bar code tracking system, and should not remove equipment "in batches" for later issuance. Unless otherwise authorized by a supervisor, all employees shall return any temporary-use equipment before the end of their work shift or duty assignment.

Employees issued temporary-use equipment are responsible for the care of that equipment, in accordance with § 700.2 of this Policy Manual. It is the responsibility of the employee to assure that the records for any equipment checked out to them is correct and accurate. Employees may be held responsible for equipment not checked in. For this reason employees are encouraged to take extra steps to assure their equipment was properly checked-out, that the correct bar code number was recorded in the tracking system, that the correct identification number was recorded in the tracking system, and that the equipment is properly checked-in upon its return.

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Media Sanitization and Destruction

701.1 PURPOSE

The purpose of this policy is to outline the proper disposal/sanitization/destruction of media (physical or electronic) at Chula Vista Police Department. These rules are in place to protect sensitive and classified information, employees and Chula Vista Police Department. Inappropriate disposal of Chula Vista Police Department and Criminal Justice Information (CJI) and media may put employees, Chula Vista Police Department and the City of Chula Vista at risk.

701.2 SCOPE

This policy applies to all Chula Vista Police Department employees, contractors, temporary staff, and other workers at Chula Vista Police Department, with access to CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits CLETS/NCIC CJI and classified and sensitive data that is owned or leased by Chula Vista Police Department.

701.3 POLICY

When no longer usable, hard drives, diskettes, tape cartridges, CDs, hard copies, print-outs, and other similar items used to process, store and/or transmit CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by Chula Vista Police Department. Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

(a) Shredded using Chula Vista Police Department issued cross-cut shredders.

(b) Placed in locked shredding bins for the Chula Vista Police Department's vendor to come on-site and cross-cut shred, witnessed by Chula Vista Police Department personnel throughout the entire process.

(c) Incineration using Chula Vista Police Department incinerators or witnessed by Chula Vista Police Department personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CD's, DVD's, USB flash drives, printer and copier hard-drives, etc.) shall be turned into the Police Technology Unit for disposal using one of the following methods:

(a) **Overwriting (at least 3 times)-** an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1's, 0's or a combination of both) onto the location of the media where the file to be sanitized is located.

(b) **Degaussing**- a method of destroying magnetically erased data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

(c) **Destruction**- a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc, ensuring that the platters have been physically destroyed so that data cannot be retrieved.

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IT systems that have been used to process, store or transmit CJI and/or sensitive and classified information shall not be released from Chula Vista Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

701.4 PENALTIES

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.

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Personal Communication Devices

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY

The Chula Vista Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

702.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

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702.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 USE OF DEPARTMENT PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) All department PCDs in the workplace should be set to silent or vibrate mode when practical.

(b) A department PCD should be carried on the members person at all times while on-duty.

(c) All members shall check their department PCD for voicemail messages at least once per work shift.

(d) A department PCD may not be used to conduct personal business while on-duty or off-duty, except for brief personal communication (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(e) Members may use a department PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(f) Members are prohibited from taking pictures, audio or video recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(g) Members shall not access social networking sites, internet browsing or stream music or video for any purpose on department PCD that is not for official department business.

(h) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

(i) At the beginning of shift, all uniformed members shall log into the CAD system by way of their department cellphone and remain logged in until the completion of their workday.

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Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a department owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members are not entitled compensation in cases of de minimis use of department PCDs while off duty. De minimis use pertains to short, minor, or relatively insignificant communications while off duty.

702.6 PERSONALLY OWNED PCD

Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(e) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Chula Vista Police Department and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

(f) It is the policy of the Chula Vista Police Department not to conduct Administrative Searches of members personally owned PCD's. However, members need to be aware that PCD's used for work related purposes could be subject to search based on the following conditions:

1. Consent
2. Search Warrant
3. Court Order

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate

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compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members are not entitled compensation in cases of de minimis use of PCD's while off duty. De minimis use pertains to short, minor, or relatively insignificant communications while off duty.

702.7 USE OF PERSONALLY OWNED PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) All PCDs in the workplace should be set to silent or vibrate mode when practical.

(b) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Members may use a PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(d) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(e) Members will limit access to social networking sites for any purpose that is not official department business. Limited access to personal social networking sites should occur on an authorized break time.

(f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

702.8 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the use of PCDs consistent with this policy.

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702.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, civilian members who are operating department vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

702.10 OFFICIAL USE

Members are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.

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Facial Recognition Device Use

703.1 PURPOSE AND SCOPE

This Department procedure establishes guidelines for Department personnel using facial recognition field identification technology. This procedure applies to all members of the Department.

703.1.1 DEFINITIONS

Definitions related to this policy include:

Face First – An Android facial recognition application that operates over secure cellular wireless connectivity. A probe image is acquired then transmitted to the application, where a biometric algorithm compares the probe image with images already on file and associated with personal identifying information. The application then returns a photographic list of potential match candidates back to the officer via the Android device. The officer reviews the list and makes a judgment, based on a visual assessment, whether the person present matches a photo within the candidate list.

TACIDS (Tactical Identification System) – The regional facial recognition system ARJIS, in cooperation with the San Diego Sheriff's Department's Jail Information Management System, maintains in support of legitimate law enforcement efforts to provide public safety.

Enrolled image – Sheriff's booking photograph from TACIDS database.

ARJIS AUP for Facial Recognition - Automated Regional Justice Information System Acceptable Use Policy for Facial Recognition.

703.1.2 BACKGROUND

San Diego regional law enforcement mobile facial recognition technology was developed for the express purpose of assisting officers in identifying persons lawfully detained or otherwise the subject of a criminal investigation, when those persons are unwilling or unable to provide proof of their identity as required by law.

Facial recognition refers to an automated process of matching facial images, utilizing algorithms and biometric scanning technologies. A biometric indicator is any human physical or biological feature that can be measured and used for the purpose of automated or semi-automated identification.

During enrollment, the facial recognition system acquires a facial image and measures distinctive characteristics including but not limited to the distance between the eyes, width of the nose, and the depth of the eye sockets. These characteristics are known as nodal points and each human face has multiple nodal points recognizable by facial recognition software.

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The nodal points are extracted from the facial image and are transformed through the use of algorithms into a unique file called a template. A template is a reduced set of data that represents the unique features of the enrolled person's face. For identification purposes, the facial recognition system compares the biometric template created from the image captured in the field with all biometric templates stored in the database. For verification purposes, the biometric template of the claimed identity will be retrieved from the database and compared with the biometric template data created from the recently captured facial image.

Officers from authorized agencies use an ARJIS enabled tablet or smartphone to access TACIDS to take a photograph of the individual. Once the photo has been submitted to TACIDS, a biometric algorithm compares the image to the local San Diego booking database (currently about 1.4 million images) and potential matches are returned within 10 to 15 seconds, in ranked order, based on the confidence level of the match.

The confidence score is mathematically calculated based on the accuracy of the biometric algorithm. If the system determines that there are potential matches, the photo captured in the field and the matching booking photos can be viewed side by side to further assist the officer in determining whether there is an actual match. Data from the booking records are displayed along with the images to assist the officer in identifying the individual.

Access to and use of TACIDS data is for official law enforcement purposes only. Accessing and/or releasing data from TACIDS for non-law enforcement purposes is prohibited.

703.2 POLICY

When practical, and when it will not negatively impact officer safety, law enforcement officers should first request verification of an individual's identity through a query of his or her name, date of birth, and other self-reported identifiers. When verification is not possible, or if the officer reasonably suspects the self-reported information is false, officers may request facial recognition field identification results.

A. Obtaining Probe Images for Comparison

The policy of the Chula Vista Police Department in regards to taking photographs of individuals is the same for juveniles and adults. An officer may photograph a person either in the field or at a police station under the following conditions:

1. The person is under arrest for a crime; or
2. The person is being detained as a suspect in a particular crime; or
3. The person is being legally detained for a criminal investigation.

B. Requesting Facial Recognition Comparison Information

Officers may request a facial recognition comparison from TACIDS for the following reasons:

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1. To identify a suspect of a criminal investigation; or
2. To aid in locating a missing person; or
3. To identify an individual for whom a warrant has been issued.

C. Requirements for Users Accessing TACIDS

Prior to utilizing TACIDS an agency and all individual users must comply with the following:

1. Be an ARJIS public safety member agency;
2. Be a CLETS-certified agency;

Only those authorized law enforcement personnel who have met the minimum requirements of completing CLETS certification, and background checks required for access to criminal justice data may access TACIDS.

Authorized users must have an ARJIS account and are mandated to follow the procedures for establishing complex passwords that must be changed every 90 days. TACIDS users are required to sign an agreement upon issuance of a TACIDS-enabled device certifying that they have read and will comply with ARJIS AUP for Facial Recognition.

D. Deletion of Stored Images on Device

After completing the request for facial recognition field identification results, the image used for comparison shall be manually deleted from the device used to capture the image.

E. Data Limitations

The TACIDS system exists for the sole purpose of identifying individuals for authorized public safety purposes. The photographs taken in the field are matched only against the Sheriff's booking photo database. No other databases, such as drivers' licenses photo databases, are linked to or accessible via TACIDS. In addition there is no interface of TACIDS to any form of video surveillance.

703.3 RESTRICTIONS

A. Law enforcement officers shall not request facial recognition field identification results when an individual presents a valid driver license or state identification card unless:

1. The officer reasonably suspects the driver license or identification card is forged, altered, or otherwise fraudulent; or

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2. The officer reasonably suspects the individual is presenting, as his or her own, a driver license or identification card issued to another person.

B. Law enforcement officers shall only access the personal identifying information of an individual whose facial image is contained in the results of a facial recognition field identification query:

1. After determining that the individual's enrolled image reasonably matches the probe image submitted for comparison; or

2. When the personal identifying information of the person in the enrolled comparison photo would reasonably assist the officer in verifying the identity of the person arrested or detained.

C. Dissemination of facial images and other personal identifying information obtained through the use of a facial recognition field identification tool is prohibited, subject only to the following specific exceptions:

1. Public Safety exception – When the Chief of Police reasonably determines that an individual poses a threat of substantial harm to the public, facial images and relevant personal identifying information may be released to the public.

2. Warrant exception – When a warrant has been issued for a known suspect, and the suspect's facial image has been verified, the suspect's facial image may be publicly disclosed for the purpose of locating the suspect or protecting the public.

3. Missing Person exception – Upon verification, the facial image of an individual reported missing may be publicly disclosed to help authorities locate the missing person.

703.4 TRAINING

Department Members shall be trained in the following areas prior to utilizing facial recognition field identification:

A. The proper and legal use of facial images for facial recognition purposes;

B. How to take high quality facial images in the field for best results;

C. How to interpret the facial recognition comparison results obtained via a facial recognition field identification tool and not base decisions entirely upon the comparison results;

D. The appropriate use and sharing of information obtained from a facial recognition identification tool; and

E. The deletion of the probe image used for comparison from the device used to capture the image.

Members who have not received this training may not utilize facial recognition field identification technology.

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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

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 1 Box of Emergency road flares
- 1 Stick of yellow chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- 1 Blanket

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- 1 Box of protective gloves
- 1 Sharps container
- 1 Hazardous Materials Emergency Response Handbook

704.3.2 UNMARKED VEHICLES
An employee driving an unmarked department vehicle should ensure the vehicle has the necessary equipment for their assignment as determined by the unit supervisor.

704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles should not place a vehicle in service that has less than one-quarter tank of fuel without first refueling. Officers should refuel their vehicle at or before the end their shift. Vehicles shall only be refueled at the authorized location.

704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the “out of service” placards or lightbar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Requisitioning and Issuing of Supplies and Repair Service Requests

705.1 PURPOSE AND SCOPE

The purpose of this policy is to insure the efficient delivery of supplies and equipment to the department and to manage resources by mandating compliance with department and city purchasing practices. Requests to repair equipment and problems with the facility will be directed to the proper departments or vendors for prompt resolution. Daily use issued equipment will be checked out by authorized personnel and accounted for at all times.

705.2 ORDERING AND RECEIVING OF SUPPLIES AND EQUIPMENT

Only the department Quartermaster, and other staff with the express permission of the Chief of Police or his/her designee, is authorized to order department supplies and equipment. Other employees ordering supplies and equipment without approval through the chain of command may be held personally responsible for payment.

Anyone requesting supplies or equipment, other than perishable office supplies, should complete a Purchasing Request form (P.D. 500) and coordinate with the Quartermaster for vendor approval. The form must be signed by a unit supervisor or manager, Police Technology Manager (for IT supplies/equipment), Division Commander and Administrative Services Manager. For purchase requests over $10,000, the form must be signed by the Chief of Police. The Quartermaster will notify the requestor when the supplies/equipment have been received, inventoried and available for pick-up.

Employees are encouraged to notify the Quartermaster in advance about any personal packages being delivered to the department.

705.2.1 PERISHABLE OFFICE SUPPLIES

Perishable office supplies are those everyday use items (pens, paper, staples, etc.). Each department unit is expected to stock and maintain their own stock of perishable office supplies. Units may request replenishment of perishable office supplies from the Quartermaster.

705.3 REQUEST FOR SERVICE OR REPAIRS

Emergency repairs are repairs if not immediately attended to could cause damage to the building or equipment and become a safety hazard to the employees (broken pipes, overflowing bathroom fixtures, etc.). Employees aware of any equipment in need of emergency repair shall immediately notify the communications center. The communications center will notify public works for the appropriate city or vendor to respond.

Employees aware of any other circumstances requiring repair should submit a Service Request form (P.D. 501) through the employees chain of command.

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705.4 USE OF CITY ISSUED CREDIT CARDS

City credit cards should not be used for the routine purchasing of supplies and equipment. Any purchases made with city credit cards shall be in the accordance with the Finance Department procedures. Normally, a Purchasing Request form (P.D. 500) should be completed and processed like any other request for supplies/equipment.

705.5 ELECTRONIC WASTE

Waste commonly referred to as "electronic waste" or "e-waste", which includes but is not limited to batteries, computers and computer components, televisions, and computer monitors, shall not be disposed of in a trash receptacle. All e-waste should be turned into the Quartermaster for proper disposal in accordance with county and/or state regulations.

705.6 PETTY CASH REIMBURSEMENTS

Petty cash reimbursements must comply with the City's Policy 300-07: Petty Cash Fund Procedures. Petty cash reimbursements are reserved for small one-time emergency or incidental items that would be inefficient to be purchased through the normal purchase requisition procedures, due to the impending need and small dollar amount. It is strongly suggested that whenever possible, a City issued credit card be used for these types of expenditures.

Any petty cash purchase must be authorized by Command Staff prior to placing the transaction. The authorization must come from the respective Division Commander of the payee.

Petty cash fund reimbursements should include original receipts with only City related items on the receipt. Personal items not eligible for reimbursement by the City should not be included in the receipt.

Petty cash fund reimbursements for meetings or luncheons must include a brief description of the meeting, location, date, purpose, who attended, and name of agency or organization. Typically, the flier for the event will suffice. This information is required by the Internal Revenue Service.

Food/refreshment purchases for meetings or trainings are allowed if the majority of the attendees are from an outside agency/organization. Food/refreshment purchases must be pre-approved by Command Staff. The City cannot reimburse employees for alcoholic beverages.

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Vehicle Use

706.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Chula Vista to provide assigned take-home vehicles.

706.2 POLICY

The Chula Vista Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

706.2.1 INSPECTION PRIOR TO USE

All vehicles should be inspected for damage or mechanical defects prior to use. The interior compartment of marked patrol vehicles should also be inspected thoroughly. Any contraband or weapons that are discovered should be reported to a supervisor.

Mechanical or radio defects should be immediately reported to the appropriate authority. Employees finding damage to any vehicle should check the vehicle's Damage File in the Watch Commander's office or notify their unit supervisor. Any damage not previously documented in the file should be reported to a supervisor immediately.

To eliminate potential complaints, horns and sirens should not be tested in the in the parking garage or nearby residential areas.

706.2.2 VEHICLE OPERATIONS

Employees operating City-owned vehicles or operating any other vehicle while on-duty shall obey all rules of the road applicable to the jurisdiction they are in. The driver shall ensure that he/she and all passengers are wearing properly adjusted safety restraints in accordance with §1022 of this Policy Manual. Driving during hours of darkness without headlights is generally prohibited, except when necessary to facilitate officer safety or to accomplish reasonable enforcement objectives.

The engine should be turned off and the key removed from the ignition whenever exiting the vehicle, unless the officer remains in the immediate vicinity of the vehicle and within reasonable control of its operation. The parking brake should be effectively set, and the transmissions placed in Park before exiting the vehicle. When parking, on-duty employees assigned to patrol should attempt to park their vehicles in a manner that facilitates rapid exit in case of an emergency, and in such a fashion that does not require backing up to exit. When backing, employees should use extra caution and carefully check the rear of their vehicles for hazards. If two employees are available and rearward visibility limited, one employee should be used to safely guide the other employee in the backing process.

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Employees shall comply with all parking regulations, except as necessary to facilitate officer safety or to accomplish enforcement objectives. (Government vehicles that are clearly marked, or are equipped with an "E" (Government) license plate are exempt from parking meter enforcement within the city limits.) Employees should not block private drives, and should avoid blocking access to private property whenever reasonably possible. When necessary to do so, members should complete their activity as soon as possible so that business operations are not disrupted, or otherwise move their vehicle(s) at the earliest reasonable possibility.

When emergency lights are utilized on freeways to conduct a traffic stop, the lights should be extinguished as soon as reasonably possible. Use of the vehicle's four-way flashers is recommended.

Department vehicles are not designed for jumping curbs, and jumping curbs is generally prohibited. Sworn personnel may jump a curb when reasonably necessary in the performance of their duties. Whenever jumping a curb, the following procedures should be followed:

(a) Curb height must be low enough to allow the vehicle to clear without damage.

(b) Approach the curb at an angle less than 45-degrees.

(c) Stop the vehicle before touching the curb.

(d) Use low speed, less than 5 MPH.

(e) Move one wheel at a time, slowly over the curb.

Whenever the undercarriage of a vehicle strikes a curb, strikes the surface of the roadway, or otherwise "bottoms out", the operating employee should contact a supervisor to determine if the circumstances are classified as a police equipment collision. Depending on the circumstances, vehicles should generally be reported to the repair facility for inspection of the undercarriage.

Drivers that "bottom out" or strike a curb should write it up to have the undercarriage inspected for damage AND submit a short memo to the Watch Commander describing the incident for the unit file.

Employees should use caution with food and beverages in vehicles equipped with mobile data devices. Employees may be held responsible for any damage that occurs.

Battery jumper cables shall only be used on City owned vehicles due to possible liability from damaging alternators or batteries.

706.2.3 RESPONSIBILITIES AFTER USE

Prior to returning a vehicle, employees are responsible for refueling the vehicle regardless of number of miles driven. Employees shall obtain permission from a supervisor if circumstances do not permit refueling.

Employees should remove all trash and debris from the vehicle after use, and return the vehicle in a clean condition. Any defects or damage should be reported.

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706.2.4 AUTHORIZED PASSENGERS
The use of city owned vehicles to transport non-employees is governed by City Policy 1002 and is generally prohibited except in the course of performing official duties.

706.2.5 USE OF PERSONAL VEHICLES
The use of personally-owned vehicles for official purposes is governed by City Policy 1002.

706.3 USE OF VEHICLES

706.3.1 SHIFT ASSIGNED VEHICLES
Patrol Supervisors shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

706.3.2 OTHER USE OF VEHICLES
Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

706.3.3 INSPECTIONS
Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

706.3.4 SECURITY AND UNATTENDED VEHICLES
Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency

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situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

706.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

706.3.7 KEYS

Members are authorized to purchase one spare department vehicle key at their own expense. The loss of a key shall be promptly reported in writing to the Professional Standards Unit through the member's chain of command.

706.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

706.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

706.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

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Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

706.3.12 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

706.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

706.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

706.4.2 UNSCHEDULED TAKE-HOME USE
Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Chula Vista City limits.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

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706.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Chula Vista is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Chula Vista may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.

2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.

3. When the member has received permission from the Chief of Police or Division Commanders.

4. When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.

5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).

2. All weapons shall be secured while the vehicle is unattended.

3. All department identification, portable radios and equipment should be secured.

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(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

706.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Chula Vista Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

706.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

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(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

706.5 UNMARKED VEHICLES

Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

706.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

706.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

706.8 COMMUNICATION CENTER RESPONSIBILITIES

Upon notification from any employee, the Communications Center should note the use of a toll road on the appropriate CAD incident report.

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706.9 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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Respiratory Protection

707.1 PURPOSE AND SCOPE

Sworn personnel shall be trained in the use of a respirator, maintenance and selection in accordance with the Code of Federal Regulation and California Code of Regulations. Medical screening and fit testing shall be provided for sworn personnel in accordance with California Peace Officer Standards & Training.

Respirators are regulated, in part, by the following authorities:

- Title 29, Code of Federal Regulations, Part 1910.134
- Title 8, California Code of Regulations, Section 5144
- POST Bulletin 04-01

707.1.1 RESPIRATORY PROTECTION PROGRAM ADMINISTRATION

The Department PSU Sergeant shall be the Program Administrator for administering the Department's Respiratory Protection Program.

The Program Administrator shall be responsible for the overall administration, evaluation, maintenance and equipment of the program. Duties shall include, but not necessarily be limited to, the following:

(a) Performing a hazard assessment of job tasks requiring respirator use and will revise the assessment any time work process changes may potentially affect exposure.

(b) Ensuring an adequate supply of appropriate cleaning and disinfection material is available for use.

(c) Coordinating and overseeing training.

(d) Managing medical evaluations and fit testing.

(e) Monitoring and revising policy as needed.

(f) Arranging for repair or replacement of equipment as needed.

(g) Assuring the maintenance of training, inspection, maintenance, and other program records.

(h) Conducting periodic evaluations to ensure that the provisions of this program are being implemented. Evaluations should include consultations with employees who use respirators and their supervisors, site inspections, job task assessment and a review of program records.

(i) Review the overall program and written policies with the Risk Management division on an annual basis.

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707.2 RESPIRATOR SELECTION

Only respirators approved and certified by National Institute for Occupational Safety and Health (NIOSH), or jointly by NIOSH and the Mine Safety Health Administration (MSHA) shall be authorized for use. Respirators used for emergency response to chemical, biological, radiological, and nuclear (CBRN) environments shall also have CBRN approval.

The Program Administrator or his/her designee shall authorize respirators for all applications. Selection of authorized respirators should be based upon a complete and thorough evaluation of the nature of the hazard, the extent of the hazard, work requirements and conditions, and the limitations of available respirators.

707.3 USE OF A RESPIRATOR

A respirator is generally required for situations where significant quantities of chemical agents are deployed (such as during crowd control or in the unlikely event of the release of CBRN materials). The decision to don a respirator may rest in the hands of individual employees, however the use of respirators shall be in accordance with this policy. If an employee believes that a respirator is needed for an application not otherwise included in this policy, the employee shall notify his/her supervisor or the Program Administrator.

The use of a respirator is authorized for the following applications:

(a) Deployment of Chemical Agents

(b) Protection from CBRN Environments

(c) Protection in Biohazard Environments

(d) Department-authorized Training

(e) Other applications approved by the Program Administrator or his/her designee

All other uses of a respirator are prohibited.

Whenever a respirator is authorized for a limited specific application, that respirator should not be used for any other application without the specific approval of the Program Administrator.

Respirators shall be used when an officer is in sustained contact with a person who is suspected of carrying an active infection with a serious airborne respiratory disease, such as tuberculosis, and who cannot be masked.

To prevent facial hair from inhibiting a proper seal of the respirator face piece, employees should be prepared to shave clean before any use of a respirator. Employees who have facial hair should keep a shaving kit readily available for use in the event respirator protection is necessary.

707.3.1 PRESCRIPTION EYEWEAR

Contact lenses should not be worn inside any respirator. Only corrective eyewear frames approved by the respirator manufacturer with a specific full facepiece should be worn with that respirator.

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The employee's corrective eyewear prescription may determine the type of eyewear for respirators in the proper mount. The Department shall purchase necessary lenses and frames, and insure they are mounted properly inside the respirator as per the manufacturer's recommendations.

707.3.2 CLEANING, MAINTENANCE, STORAGE AND INSPECTION

Officers should thoroughly inspect respirators prior to use. Inspection of a respirator should include positive and negative pressure fit-checks. Supervisors shall ensure employees perform inspections as required.

If the employee determines a respirator is dirty, noticeably difficult to breathe through, or malfunctioning, the employee shall immediately cease use of the respirator and return the respirator to the Program Administrator for maintenance. Repairs will be made by trained individuals according to manufacturer's recommendations with NIOSH-approved components.

All respirators should be completely washed, sanitized, and repaired after each use or, when used for multiple days, at the end of each day. Employees should use only those cleaning and disinfection materials and instructions provided by the Department. Employees shall notify their supervisor and/or the Program Administrator if supplies are low or unavailable. Respirators that have been contaminated with chemical, biological or radioactive agents may require special decontamination procedures and officers should contact the Program Administrator for special instructions.

Respirators should be stored in the issued carrying case to protect against damage, contamination, dust, sunlight, extreme temperatures, moisture and damaging chemicals.

Respirators not issued to individual employees for personal storage shall be stored with clearly visible labels and shall be readily accessible for immediate use. Stored respirators shall be inspected at least monthly by the supervisor in charge of the storage area. Only qualified respirator users as described in this policy may access emergency respirators from storage.

707.3.3 DISPOSAL OF RESPIRATORS

Respirators shall be disposed in biohazard containers, and shall be disposed in accordance with the Department's Exposure Control Plan maintained by the Department Quartermaster.

707.4 MEDICAL EVALUATION FOR RESPIRATOR USE

All employees, as a part of the successful completion of a pre-employment physical examination, are considered medically qualified to use a respirator.

Additional mandatory medical evaluations may be required when fit testing indicates a need, when an employee reports medical symptoms related to the use of a respirator, when recommended by a physician, supervisor or the Program Administrator and with an increase in physiological burden on an officer (i.e. additional gear). The Program Administrator shall coordinate medical evaluations with the Risk Management division.

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707.4.1 RESPIRATOR FIT TESTING

Fit testing for respirator use is required annually. Fit testing shall be conducted with the specific size, make and model of respirator that the employee will use. Each employee shall be initially fit tested with the selected respirator to assure that the outside shell of the respirator seals properly against the face.

All respirator users shall pass a quantitative fit test with any tight fitting facepiece respirator that he/she will use. Quantitative fit testing shall be done annually, or immediately upon any change of the user's face that would cause the respirator sealing surface to seat differently. Respirators with tight-fitting facepieces do not seal properly when facial hair comes between the sealing surface of the facepiece and the face. Respirators shall not be worn where any condition prevents a good face seal. Such conditions may be a growth of beard, sideburns, temple pieces on glasses, or other items that inhibit a proper seal. To assure proper protection to the wearer, each time the respirator is donned the wearer should check the fit of the face piece. Any condition that prevents a respirator from forming a gas tight, dust tight seal shall prohibit that user from wearing that respirator.

During periods of fit testing, every employee to be fit tested should arrive clean-shaven.

Properly trained fit test personnel shall perform the fit testing using a portacount machine.

Employees who are issued an APR are prohibited from wearing any Department-issued respirator prior to passing the initial fit test or any time they do not pass the fit test.

The Program Administrator will coordinate and arrange fit testing with the assistance of Risk Management.

707.4.2 SWAT AND MOBILE FIELD FORCE

Upon selection and every two years thereafter, sworn employees who are active members of the S.W.A.T. or Mobile Field Force teams will be required to complete a medical evaluation (consisting of a respirator physical examination) from a designated occupational medical provider, as authorized by the Risk Management Division.

707.5 TRAINING

Each employee authorized for respirator use shall be trained with the specified type of respirator that they will be required to use. The training shall be of sufficient content and duration to ensure that the user is competent in handling and using the specified respirators. Respirator training will consist of initial training and annual refresher training. Training objectives may be met by viewing the POST video on respiratory protective equipment.

707.6 PROGRAM RECORDS

The Program Administrator will maintain copies of all training, inspection and maintenance records except for medical records and fit test records.

Medical records and fit test records are confidential and shall be forwarded to the Risk Management division. Medical records may be available for employees to review at the Human Resources division within two days following a request.

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Respiratory Protection

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Naloxone

708.1 PURPOSE AND SCOPE

This policy establishes guidelines and regulations governing utilization of the Naloxone (Nasal Narcan) administered by the Chula Vista Police Department. The objective is to treat opioid exposure to the community and to police department members. The exposure to opioids are highly dangerous to the community and to police officers if they are exposed, timely treatment is necessary. There are situations where officers need direct & individual access to Nasal Narcan if exposure existed. These situations could arise when individual officers are conducting police related operations in areas outside Chula Vista or San Diego County. Additionally, officers could administer the Nasal Narcan immediately upon exposure rather than wait for paramedics to respond.

708.2 NASAL NARCAN PROGRAM ADMINISTRATION

The Department PSU Sergeant shall be the Program Administrator for administering the Departments Nasal Narcan program. The Program Administrator shall be responsible for the overall administration, evaluation, maintenance and equipment of the program. Duties shall include, but not necessarily be limited to the following:

(a) Ensuring an adequate supply of appropriate Nasal Narcan is available.

(b) Coordinating and overseeing training.

(c) Monitoring and revising policy as needed.

(d) Arranging for replacement of equipment as needed.

(e) Assuring the maintenance of training, inspection and other program records.

(f) Conducting periodic evaluations to ensure that the provision of the program are being implemented. Evaluations should include consultation with employees who use Nasal Narcan and their supervisors, site inspections, job task assessment and a review of program records.

(g) Review the overall program and written policies with the Risk Management Division on an annual basis.

708.3 NASAL NARCAN SELECTION

Only Nasal Narcan approved and purchased by the City of Chula Vista or provided by another trusted resource such as the County Health and Human Services Agency, shall be authorized for use.

708.4 USE OF NASAL NARCAN

If a citizen or department member is exposed to Fentanyl, the following should be done:

(a) Maintain universal precautions.

(b) Perform patient assessment.

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(c) Update dispatch that the member is in potential overdose state. Dispatch will then update the Fire Department and ambulance service if not already done to arrange transport to the hospital.

(d) Determine unresponsiveness, absence of breathing and or pulse.

(e) If no pulse is present, initiate CPR and AED if available; notify incoming EMS

(f) If pulse is present and the member is unconscious, assess breathing status.

(g) If breath is adequate and no signs of trauma, place in the recovery position.

(h) If breathing is decreased or sign of low oxygen and overdose is suspected, then proceed with Nasal Narcan administration.

1. Remove naloxone nasal spray from box by peeling back the tab with the circle to open the spray.
2. Hold naloxone nasal spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
3. Tilt the head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into either nostril until your fingers are against the bottom of the person's nose.
4. Press the plunger firmly to give the dose of naloxone nasal spray.
5. Remain with individual until he or she is under the care of a medical professional, such as a paramedic, emergency medical technician, physician, or nurse. Rescue breathing (one breath every 5 seconds) or CPR should be given if trained/comfortable while waiting for emergency medical assistance.
6. Administer additional doses of naloxone nasal spray using a new nasal spray with each dose, if exposed patient does not respond or responds and then relapses into respiratory depression, additional doses of naloxone nasal spray may be given every 2 to 3 minutes until emergency medical assistance arrives.
7. Do not administer naloxone nasal spray to a patient with known hypersensitivity to naloxone.
8. After EMS arrival, staff will inform responding EMS/paramedics that they have administered naloxone nasal spray and the number of doses used.

(i) Continue to monitor breathing and pulse.

(j) A supervisor shall be notified of the incident and will respond to the scene.

708.5 MAINTENANCE, STORAGE AND INSPECTION

Officers should thoroughly inspect Nasal Narcan prior to use. Supervisors shall ensure employees perform inspections as required.

If the employee determines a Nasal Narcan is expired or damaged it shall be returned to the Department Quartermaster or CVPD Evidence Control Unit for proper disposal.

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All Nasal Narcan should be stored in such a way to protect it against damage, contamination, dust, sunlight, extreme temperatures, moisture and damaging chemicals.

Nasal Narcan not issued to individual employees for personal storage shall be stored with clearly visible labels and shall be readily accessible for immediate use. Stored Nasal Narcan shall be inspected at least monthly by the supervisor in charge of the storage area. Only qualified Nasal Narcan users as described in this policy may access emergency Nasal Narcan from storage.

708.6 DISPOSAL OF NASAL NARCAN

Nasal Narcan shall be disposed in biohazard containers and shall be disposed in accordance with the Departments Exposure Control Plan maintained by the Department Quartermaster or CVPD Evidence Control Unit.

708.7 MEDICAL EVALUATION OF NASAL NARCAN USE

All employees, as a part of the successful completion of a pre-employment physical examination, are considered medically qualified to use Nasal Narcan.

Additional mandatory medical evaluation may be required when testing indicates a need, when an employee reports medical symptoms related to the use of Nasal Narcan, when recommended by a physician, supervisor or the Program Administrator and with an increase in physiological burden on an officer. The Program Administrator shall coordinate medical evaluations with the Risk Management division.

708.8 TRAINING

Each employee authorized for Nasal Narcan use shall be trained with the specified type of Nasal Narcan that they will be required to use. The training shall be of sufficient content and duration to ensure that the user is competent in handling and using the specified Nasal Narcan.

708.9 DOCUMENTATION

Upon utilization of Nasal Narcan, the employee shall document in a report detailing the nature of the incident, the care the citizen or department member received and the fact that the Nasal Narcan was deployed. In addition, if a department member is exposed, the employee shall complete the City of Chula Vista's Employee's report of Injury/Illness form (HR 207). Nasal Narcan that is received from County Health and Human Services Agency requires quarterly reporting. Nasal Narcan that is received from San Diego County Health and Human Services Agency requires quarterly reporting. The Professional Standards Unit shall be responsible for meeting San Diego County Health and Human Services reporting requirements.

Based on the San Diego County Health and Human Services Agency reporting requirements, when Naloxone is administered in the field, each department member administering Naloxone will make the reporting into Blue Team. This information will be provided to San Diego County Health and Human Services Agency for their grant funding purposes.

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708.10 PROGRAM RECORDS

The Program Administrator will maintain copies of all training, inspection and maintenance records except medical records.

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Department Lockers

709.1 PURPOSE AND SCOPE

The purpose of this policy is to establish regulations and standards for wardrobe lockers and patrol equipment lockers.

709.2 TYPES OF LOCKERS

The following types of lockers are generally available for use at the police facility.

709.2.1 WARDROBE LOCKERS

As used in this policy, "Wardrobe Lockers" includes those lockers located within either the men's or women's locker rooms of the police facility, generally designed to store clothing, equipment, and other effects of assigned personnel.

Wardrobe Lockers may be assigned to sworn peace officers, Detentions Officers, Community Service Officers, Parking Control Officers, Reserve Volunteer Police Officers, and other uniformed employees with the authorization of a Division Commander.

Only one Wardrobe Locker shall be issued to an employee. Each Wardrobe Locker is equipped with a pre-installed combination lock on its exterior door. No other locking devices may be used on the exterior of Wardrobe Lockers.

The interior of each Wardrobe Locker is equipped with a separate, internal, smaller locker to which may be attached a separate locking device. Locking devices used for this purpose must be supplied by the employee at their own expense.

The Professional Standards Unit shall maintain a secure file of the combinations to all Wardrobe Lockers.

709.2.2 EQUIPMENT LOCKERS

As used in this policy, "Equipment Lockers" includes those lockers located within the parking garage of the police facility, generally designed to store patrol equipment and patrol duty bags.

Equipment Lockers may be assigned to the following classifications while assigned to the Patrol Division:

(a) Sworn peace officers

(b) Community Service Officers

(c) School Resource Officers

(d) Uniformed Traffic Officers

(e) Parking Enforcement Officers

Only one Equipment Locker shall be issued to an employee. Each Equipment Locker is equipped with two potential locking devices on its exterior door, including a pre-installed key lock and a

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separate latch to which a combination padlock may be attached. Each employee assigned an Equipment Locker will be assigned a key to their locker. The employee has the option of using either the key lock alone, or attaching a separate combination padlock. Any separate combination padlocks used for this purpose must be supplied by the employee at their own expense, and shall meet the following guidelines:

(a) The padlocks shall be 1-7/8 inches (48mm) wide, have a plain black dial with white numbering, and a stainless steel body and stainless steel shackle without black bumpers or other exterior coatings. Examples of padlocks meeting these guidelines include the "Master Lock" brand, model number 1500 (or its subsequent derivative), and other similar designs.

Equipment Lockers are limited. Equipment Lockers are intended to be used by personnel actively assigned to the Patrol Division. Any Department member transferring out of a Patrol Division assignment shall contact the Professional Standards Unit and vacate their Equipment Locker.

709.2.3 TEMPORARY WARDROBE LOCKERS

As used in this policy, "Temporary Wardrobe Lockers" includes those lockers located within either the men's or women's locker rooms of the police facility, not permanently assigned to any employee, and available for the temporary use of any Police Department employee.

The locker rooms are equipped with a limited number of Temporary Wardrobe Lockers, for the temporary use by personnel not otherwise assigned Wardrobe Lockers. These lockers shall be for short-term use only, and must be vacated no later than the end of the employee's workday. Personnel using the temporary lockers should not occupy the locker for more than 12 consecutive hours, and may only use one locker at a time.

709.3 USE OF LOCKERS

Employees are prohibited from posting or affixing stickers, posters, markings of any kind, or other similar devices which may include, but are not necessarily limited to, nametags, nameplates, and other similar items.

Employees shall not hang any items from the exterior of the lockers or any other part of the locker room. This includes, but is not necessarily limited to, towels, uniforms and equipment. All items should be stored inside of the locker.

Only one employee is allowed to occupy any one locker at any one time. Sharing of lockers is prohibited. Employees shall not switch lockers without the authorization of the Professional Standards Unit.

709.4 SECURITY OF LOCKER ROOMS

Due to the hazardous nature of equipment commonly stored in locker rooms, access to the locker rooms is limited to Police Department employees and other individuals authorized by the Professional Standards Unit. Employees should not grant access to the locker rooms to any non-police personnel unless they are escorted by authorized personnel.

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Media Protection

710.1 PURPOSE

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules. For additional information, please refer to Policy 812 Protected Information.

710.2 SCOPE

The scope of this policy applies to any electronic or physical media containing Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Chula Vista Police Department. This policy applies to any authorized person who accesses, stores, and/or transports electronic or physical media. Transporting CJI outside the agency's assigned physically secure area must be monitored and controlled.

Authorized Chula Vista Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Chula Vista Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the CLETS Security Point of Contact and the CLETS Agency Administrator. Procedures shall be defined for securely handling, transporting and storing media.

710.3 MEDIA STORAGE AND ACCESS

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. "Electronic media" includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Chula Vista Police Department personnel shall:

(a) Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.

(b) Ensure that only authorized users remove printed or digital media from the police department's secure facility.

(c) Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Media Sanitization Destruction Policy)

(d) Restrict access to electronic and physical media to authorized individuals.

(e) Not use personally owned information system to access, process, store, or transmit CJI unless the Chula Vista Police Department has established and documented the specific terms and conditions for personally owned information system usage.

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(f) Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include, but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.

(g) Store all hardcopy CJI printouts maintained by the Chula Vista Police Department in a secure area accessible to only those employees whose job function requires them to handle such documents.

(h) Safeguard all CJI by the Chula Vista Police Department against possible misuse by complying with the Personal Communication Device Policy, Media Sanitization Destruction Policy and Conduct Policy.

Take appropriate action when in possession of CJI while not in a secure area. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.

(a) Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and/or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.

(b) When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back up tapes, mobile devices, laptops, etc.

(c) When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.

(d) Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.

(e) Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI.

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710.4 MEDIA TRANSPORT

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card. Dissemination to another agency is authorized if:

(a) The other agency is an authorized recipient of such information and is being serviced by the accessing agency.

(b) The other agency is performing personnel and appointment functions for criminal justice employment applicants.

Chula Vista Police Department personnel shall:

(a) Protect and control electronic and physical media during transport outside of controlled areas.

(b) Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

(c) The Chula Vista Police Department personnel will control, protect and secure electronic and physical media during transport from public disclosure by:

1. Use of privacy statement in electronic and paper documents.
2. Limiting the collection, disclosure, sharing and use of CJI.
3. Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.

Securing hand carried confidential electronic and paper documents by:

(a) Storing CJI in a locked briefcase or lockbox.

(b) Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.

(c) For hard copy printouts or CJI documents:

(d) Package hard copy printouts in such a way as to not have any CJI information viewable. CJI information that is shipped or mailed must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history and signature confirmation of delivery.

(e) Not taking CJI home or when traveling unless authorized by the Chula Vista Police Department.

When disposing confidential documents, use a cross-cut shredder.

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710.5 ELECTRONIC MEDIA SANITIZATION AND DISPOSAL

The agency shall sanitize, that is overwrite at least three times or degauss electronic media prior to disposal or release for reuse by unauthorized individuals. Inoperable electronic media shall be destroyed (cut up, shredded, etc.). The agency shall maintain written documentation of the steps taken to sanitize or destroy electronic media. Agencies shall ensure the sanitization or destruction is witnessed or carried out by authorized personnel. Physical media shall be securely disposed of when no longer required, using formal procedures. For end of life media policy, refer to "Media Sanitization Destruction" Policy.

710.6 BREACH NOTIFICATION AND INCIDENT REPORTING

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident related information can be obtained from a variety of sources including, but not limited to: audit monitoring, network monitoring, physical access monitoring and user/administrator reports.

710.7 ROLES AND RESPONSIBILITIES

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must immediately be followed:

(a) Chula Vista Police Department personnel shall notify his/her supervisor and an incident report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident and steps take to be taken in response to the incident. (at the department's discretion)

(b) The supervisor will communicate the situation to the Chula Vista Police Department to notify of the loss or disclosure of the CJI records.

(c) The Chula vista Police Department will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.

(d) The CSA ISO will:

1. Establish a security incident response and reporting procedure to discover, investigate, document and report to the CSA, the affected criminal justice agency and the FBI CJIS Division ISO, major incidents that significantly endanger the security or integrity of CJI.
2. Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division and other entities to the appropriate local law enforcement POC's with their area.
3. Act as a single POC for their jurisdictional area for requesting incident response assistance.

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710.8 PENALTIES

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and/or termination.

Other related resources:

- Media Sanitization and Destruction Policy
- Conduct Policy
- Personal Communication Devices Policy
- Protected Information

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Electronic Personal Assistive Mobility Device

711.1 PURPOSE AND SCOPE

The Department may maintain "electronic personal assistive mobility devices" (EPAMD), such as the Segway "Human Transporter" or "Personal Transporter", for use by Department personnel. An EPAMD is an effective tool for a variety of law enforcement applications. The purpose of this policy is to establish procedures for the safe use of an EPAMD as a tool for law enforcement operations.

711.1.1 DEFINITION

An EPAMD is defined as a self-balancing, non-tandem two-wheeled device, that can turn in place, designed to transport only one person, with an electric propulsion system averaging less than 750 watts (1 horsepower), the maximum speed of which, when powered solely by a propulsion system on a paved level surface, is less than 12.5 miles per hour (California Vehicle Code §313).

Examples of an EPAMD include the Segway Human Transporter, Segway Personal Transporter, and other similar devices.

711.2 OPERATION OF AN EPAMD

Operation of an EPAMD is limited to those Department personnel who have successfully completed training from a designated EPAMD instructor.

(a) Department EPAMDs shall be for authorized use only. Authorized use includes, but is not limited to, the following:

1. To deliver mail and other items between the Police Department and other buildings within one square mile of the Police Department
2. For special event operations approved by a Traffic Unit supervisor including parades, concerts, community events, and other special event operations where the Segway HT will provide enhanced police operations and services
3. Police special enforcement operations (such as a "Segway Beat") for high visibility patrol
4. Recruiting or other events to showcase department technology

(b) Department personnel operating an EPAMD shall exercise safe riding techniques, which shall include the following:

1. Operators shall wear a certified bike helmet in a size appropriate to the rider. Operators shall have a chin strap fastened at all times.
2. The EPAMD shall be operated at safe speeds.
3. An operator of an EPAMD is considered a pedestrian (California Vehicle Code §467) and should obey all laws and regulations applicable to pedestrians, unless reasonably necessary while responding to an emergency. Operators shall obey the "rules of the road" as outlined in California Vehicle Code §21280-21283.

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4. Operators of an EPAMD shall prevent non-certified riders from operating the EPAMD.

(c) Department personnel operating an EPAMD shall also exercise proper care for the EPAMD, including:

1. Except when responding to an emergency, operators of an EPAMD shall take appropriate precautions to assure the device is completely stopped and turned off before leaving it unattended.
2. Wherever practical, the EPAMD should not be left outside unattended.
3. If the EPAMD is dropped, thrown, or falls as the result of an emergency, operators shall inspect the device for damage and malfunction before continuing operation.
4. Any equipment malfunctions or damage should be reported immediately to the Quartermaster and an on-duty supervisor.

711.2.1 COLLISIONS INVOLVING AN EPAMD

Although persons operating an EPAMD are considered "pedestrians" by California Vehicle Code § 467, collisions resulting in damage to any City or private property should be reported immediately to the employee's supervisor and subsequently to the Risk Management Division. Collisions resulting in damage in excess of $750.00 or in injury to any person shall be reported as a traffic collision on the appropriate collision report form.

711.3 EPAMD TRAINING

Training in the operation of an EPAMD should, at a minimum, consist of the following:

(a) Presentation of the EPAMD and its potential usage. Where available, this should include a short video or multimedia presentation from the EPAMD manufacturer about the safe operation of the device;

(b) Equipment inspection, general equipment operation and safety procedures;

(c) Demonstration of safe operational skills in the presence of a designated EPAMD instructor. The demonstration of safe operational skills shall include the following:

1. Standing on the EPAMD
2. Turning with the EPAMD
3. Riding the EPAMD over various municipal terrains, which may include but are not limited to sidewalks, driveways, and uneven surfaces;

(d) Demonstrating effective and safe control of the EPAMD in the presence of a designated EPAMD instructor; and

(e) A review and acknowledgement of this policy.

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The Training Unit shall maintain records of certified EPAMD operators and designated instructors.

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Cash Handling, Security and Management

712.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

712.2 POLICY

It is the policy of the Chula Vista Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

712.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the use of the department issued report to record accurate and current transactions in the ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

712.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report. All transactions must be supported by or justified by proper documentation.

712.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every three months. This audit requires that the fund manager and at least one supervisor, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the supervisor shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by a designated command staff member.

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712.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Narcotics Enforcement Team supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks. Excess funds should be deposited in the appropriate account within 5 business days. Monthly audits should be done at random by the designated supervisor.

712.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $500.00 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry. Excess funds should be deposited in the appropriate account within 5 business days. Monthly audits should be done at random by the designated supervisor.

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Personal Protective Equipment

713.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

713.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

Respiratory PPE - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

713.2 POLICY

The Chula Vista Police Department endeavors to protect members by supplying certain PPE to members as provided in this policy.

713.3 OFFICER RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

713.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed the requirements provided in 8 CCR 5098.

713.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

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The Rangemaster shall ensure eye protection meets or exceeds the requirements provided in 8 CCR 3382.

713.6 HEAD AND BODY PROTECTION

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Members assigned to the Mobile Field Force Unit should be provided with padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

713.7 RESPIRATORY PROTECTION

The Support Services Division Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (8 CCR 5144):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

713.7.1 RESPIRATORY PROTECTION USE

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene supervisors are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

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reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (8 CCR 5144):

(a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

(b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.

(c) The member needs to replace the respirator, filter, cartridge or canister.

713.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (8 CCR 5144):

(a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

(c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.

(d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

713.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (8 CCR 5144).

A scene superivisor may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

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(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

713.7.4 SELF-CONTAINED BREATHING APPARATUS (NOT AVAILABLE AT CVPD)
Scene supervisors may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

(a) Entering the hot zone of a hazardous materials incident.

(b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.

(c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene supervisor.

713.7.5 RESPIRATOR FIT TESTING
No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (8 CCR 5144).

After initial testing, fit testing for respiratory PPE shall be repeated (8 CCR 5144):

(a) At least once every 12 months.

(b) Whenever there are changes in the type of SCBA or facepiece used.

(c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

713.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
No member shall be issued respiratory protection that forms a complete seal around the face until (8 CCR 5144):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

713.8 RECORDS
The Training Manager is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

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(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule and 8 CCR 5144.

713.9 TRAINING

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (8 CCR 3380).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (8 CCR 5144).

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime Analysts should also integrate systems and develop material that is ready to be consumed by the general public and/or used by City leadership to convey a factual representation of crime trends and help meet the need the consumer of the information may have. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities while presenting sufficient facts to balance reader perspectives.

Analysts should continuously look at ways to integrate data from disparate systems and explore ways to relate data and other information that may help sworn staff identify crime patterns or assist in the development of theories that could assist in solving crimes. Beyond the basic analysis, the department crime analyst series should look at the larger perspective the data can present and develop the tools necessary to convey a balanced message.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors

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- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units. Reports and processes should be established based on need and the appropriate automated tools established to deploy the information effectively. A systematic review of the resources should take place. Gaps with mitigation strategies should be identified and discussed on an ongoing basis.

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Communication Operations

802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.2 COMMUNICATION OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and officers.

802.2.1 COMMUNICATIONS LOG

Mandatory staffing requirements for the Communications Center shall be in accordance with the direction of the Division Commander overseeing Communications.

The Police Dispatch Supervisor (PDS) for each shift shall be responsible for ensuring that the staffing requirements for their shift are met including overtime coverage. PDS's are also responsible for scheduling both voluntary and mandatory overtime shifts, approving, monitoring and recording all overtime used on their shift.

Unless approved by a PDS, and agreed to by the employee, overtime that is consecutive with a regular work shift should not exceed 6 hours and overtime that is on a day off should not exceed 16 hours.

Employees with less than 8 hours off between scheduled work periods (i.e. relief shifts, meetings, training, shift changes, overtime already worked or scheduled to be worked) should not be mandated to work overtime unless necessary to meet staffing requirements. The PDS's should make every effort to ensure that the employee is released from duty as soon as a relief is available.

Failure to report for a voluntary or mandatory overtime assignment will be considered an unauthorized leave of absence and is subject to disciplinary action.

802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

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Calls for service shall be prioritized by the circumstances of the situation rather than by code section and multiple calls with the same priority assignment should be evaluated to determine urgency.

802.3.1 OFFICER IDENTIFICATION
Identification systems are based on factors such as patrol beat or officer assignment, and officer specialty. Employees should use the entire call sign (such as "one-twelve john") when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign preceded by the city name (such as "Chula Vista one-twelve john"). This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

802.4 COMMUNICATIONS RECORDS

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

802.5 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

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(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

A supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

802.5.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Chula Vista Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

802.5.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

802.6 DOCUMENTATION
It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

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802.7 CONFIDENTIALITY

Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel.

802.8 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

802.9 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers will not enter calls for service when reports are based solely on a person's race, gender, age, or sexual orientation. Specifically, unless a reporting party can articulate a crime being committed or a need for police response for reasons other than a person's race, dispatch will not create an incident or dispatch officers.

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Dispatchers should be courteous, patient and respectful when dealing with the public.

802.9.1 EMERGENCY CALLS
A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

802.9.2 NON-EMERGENCY CALLS
A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

802.10 RESPONSIBILITIES

802.10.1 COMMUNICATIONS CENTER MANAGER
The Chief of Police shall appoint and delegate certain responsibilities to a Communications Center Manager . The Communications Center Manager is directly responsible to the Support Operations Division Commander or the authorized designee.

The responsibilities of the Communications Center Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.

(b) Supervising, training and evaluating dispatch supervisors.

(c) Ensuring the radio and telephone recording system is operational.

    1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(d) Processing requests for copies of the Communications Center information for release.

(e) Maintaining the Communications Center database systems.

(f) Maintaining and updating the Communications Center training manual.

    1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.

    2. Ensuring dispatcher compliance with established policies and procedures.

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(g) Ensuring internal and external inquiries regarding services provided and accepting personnel complaints are handled in accordance with the Personnel Complaints Policy.

(h) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

802.10.2 ADDITIONAL PROCEDURES

The Communications Center Manager should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Emergency Medical Dispatch (EMD) instructions, if applicable.

(g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(i) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

(j) Handling misdirected, silent and hang-up calls.

(k) Handling private security alarms, if applicable.

(l) Radio interoperability issues.

802.10.3 DISPATCHERS

Dispatchers report to the Dispatch Supervisors. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

    (a) Emergency 9-1-1 lines.

    (b) Business telephone lines.

    (c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

    (d) Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

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(e) Other electronic sources of information (e.g., text messages, digital photographs, video).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

802.10.4 DISPATCH SUPERVISOR

Dispatch Supervisors report to the Communications Center Manager.The responsibilities of the dispatch supervisor include but are not limited to:

(a) (a) Scheduling and maintaining dispatcher time records.

(b) Supervising, training and evaluating dispatchers.

(c) Assisting with the duties of dispatcher when reasonably required.

(d) Notifying the Watch Commander or field supervisor of emergency activity, including but not limited to:

(a) Foot pursuits

(b) Vehicle pursuits.

(c) Assignment of emergency response.

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Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

Found property - Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Complete the property form describing each item of property separately, listing all serial numbers, owner’s name, finder's name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee’s initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.

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(d) Place the case number on the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

As an element of probable cause in narcotics cases, officers should test the suspected substances with a presumptive narcotic test kit.

When testing the suspected controlled substances the officer shall read, perform and check each step of the form. The officer should note the results of the presumptive test as "positive" or "inconclusive". The results of the test should be noted on the statement of probable cause for booking.

The completed checklist should be submitted with the original crime case report. The crime report narrative will include the results of the presumptive test as either "positive" or "inconclusive".

The narcotics shall then be logged into evidence following the guidelines set forth in the Property & Evidence Manual located in the department property room.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property and Evidence Technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or other bodily fluids should be air dried prior to logging

(b) License plates found not to be stolen or connected with a known crime, should be placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required

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(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property should be placed in the bicycle storage area until a evidence control assistant can log the property

(d) All currency exceeding $100.00 shall be verified by another officer and the envelope initialed by the submitting officer and the second officer. A supervisor shall be contacted for cash in excess of $1,000 for special handling procedures

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal logging is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

For additional information on logging evidence/property refer to the Property & Evidence Manual located in the department property room.

804.3.5 VEHICLE BAY

In the course of their duties, officers may need to store a vehicle after hours at the department for later processing by crime lab personnel.

Vehicles involved in priority and major crime cases, (homicide, kidnapping, etc.) should be placed in Vehicle Exam B.

For all other cases use Vehicle Exam Bay A or C. Contact the watch commander to get the Vehicle Bay Key from the electronic key control box in the equipment room.

Place a copy of the impound sheet and the completed lab request in the Evidence Control Drop Box. Notify the appropriate investigative supervisor and Crime Lab Manager.

For additional information on logging a vehicle refer to the Property & Evidence Manual located in the department property room

804.3.6 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

(a) A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or

(b) The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or

(c) The Automated Firearms System indicates that the firearm was reported lost or stolen.

1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon

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and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq.

The Property and Evidence Technician shall ensure the Records Manager is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Police Support Services Policy).

804.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

(a) Narcotics and dangerous drugs

(b) Firearms (ensure they are unloaded and booked separately from ammunition)

(c) Property with more than one known owner

(d) Paraphernalia as described in Health and Safety Code § 11364

(e) Fireworks

(f) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife 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.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated locker. 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 a kapak of appropriate size available in the property room. The submitting officer shall write on the kapak his initials, ID number, and date.

For additional information on packaging narcotics refer to the Property & Evidence Manual located in the department property room

804.5 RECORDING OF PROPERTY

The Property and Evidence Specialist receiving custody of evidence or property shall record his/her signature and date the property was received and where the property will be stored on the property & evidence and property form and electronically on the Property & Evidence database.

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A property item number shall be obtained for each item or group of items from the NET RMS database. These numbers shall be recorded on the property form or with an attached NET RMS property & evidence report.

Any changes on the location of property held by the Chula Vista Police Department shall be noted on the property form and electronically on the Property & Evidence database.

804.6 PROPERTY CONTROL

Each time the Property and Evidence Specialist receives property or releases property to another person, he/she shall enter this information on the property & evidence form and electronically on the Property & Evidence database.

Officers desiring property for court shall contact the evidence control assistant at least one day prior to court day.

804.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, and 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 unless the property is marked as safekeeping or found property in which the evidence control assistant can make a determination on the release that constitutes with California Penal Law.

804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date of transfer on the property & evidence form and electronically on the Property & Evidence database.

After analysis is completed on the evidence, the employee who checked out the property will then return the property.

The receiving employee in the evidence control unit will then document the date of the transfer on the property & evidence form and electronically on the Property & Evidence database.

804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property control card, stating the date, time and to whom released.

The Property and Evidence Technician shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the property control card, indicating date, time, and the person who returned the property.

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804.6.4 AUTHORITY TO RELEASE PROPERTY

The appropriate Investigations Supervisor shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property, safekeeping 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 and electronically on the Property & Evidence Database.

With the exception of firearms and other property specifically regulated by statute,found property should be held for a minimum of 90 days. Safekeeping property shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 60 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a property 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 and Evidence Specialist 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 & Evidence Waiver Form and electronically on the Property & Evidence database. Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 12021.3(e).

The Evidence Control Supervisor should also make reasonable efforts to determine whether the person is subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code §33875).

804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

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804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Evidence Unit will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

804.6.8 RELEASE OF FIREARM IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm, the Property and Evidence Technician shall return the weapon to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise prohibited from possessing a firearm (Family Code 6389(g); Penal Code § 33855).

804.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms and other deadly weapons confiscated from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) which 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 weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed or retained as provided in Welfare and Institutions Code § 8102.

804.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

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If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Chula Vista Police Department determines him/her to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

804.7 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 and Evidence Technician shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

804.7.1 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(e))

804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after 90 days, the property will be disposed of accordingly and deposited into the City General Fund account. Prior to the deposit of the currency the Evidence Control personnel will make every effort to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. If the currency is found property the Evidence Control Staff shall place a notice of found property at least once in a newspaper of general circulation if the value is over $250.00 per CVMC 2.60.150. If after (90) days following first publication of the notice, no one proves ownership of the found

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currency the finder may be able to claim the currency if they pay the publication fee and it doesn't fall in the exceptions list.

The exception list as follows:

- The property was recovered by an employee of any public agency in the course of employment.
- The property was used in a crime.
- The property is a bicycle or firearm.

804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Section Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

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804.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

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Police Support Services

806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Chula Vista Police Department Police Support Services. The policy addresses departmental file access and internal requests for case reports.

806.2 POLICY

It is the policy of the Chula Vista Police Department to maintain department records securely, professionally and efficiently.

806.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Chula Vista 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 Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the CID Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the CID Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

806.4 FILE ACCESS AND SECURITY

The security of files in the Police Support Services 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 Police Support Services, accessible only by authorized members of the Police Support Services. Access to case reports or files when Police Support Services staff is not available may be obtained through the Watch Commander.

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The Police Support Services will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

806.5 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Police Support Services. 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 Police Support Services 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 Police Support Services.

All original case reports to be removed from the Police Support Services shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Police Support Services. The photocopied report shall be shredded upon return of the original report to the file.

806.6 CONFIDENTIALITY

Police Support Services staff has access to information that may be confidential or sensitive in nature. Police Support Services 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 Police Support Services procedure manual.

806.7 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

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Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE

Any firearm coming into the possession of the Chula Vista Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall log the firearm into evidence/property following Department procedures. The employee logging the firearm shall indicate on the evidence/property form the serial numbers have been removed or obliterated.

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808.2.3 OFFICER RESPONSIBILITY
The evidence control assistant receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

808.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

808.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property and Evidence Technician will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

808.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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Records Maintenance and Release

810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

810.2 POLICY

The Chula Vista Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

810.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 6253).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 6253.

(h) Ensuring that public records posted on the Department website meet the requirements of Government Code § 6253.10 including, but not limited to, posting in an open format where a record may be retrieved, downloaded, indexed and searched by a commonly used Internet search application.

(i) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.

810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

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810.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a request that reasonably describes each record sought and paying any associated fees (Government Code § 6253). The Custodian of Records may develop a form to assist in identifying a record, providing a copy of a record to the requestor (name, address, email, phone), and for tracking completion of records requests. The form shall state: "Use of this form is optional. Please consider filling it out completely and submitting it with your request to assist us in serving you. Thank you."

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 6254.30).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 6253.1).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 6253.9).

(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/

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video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

810.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

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(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 6254.4.5.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 6254).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 6254).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department's electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).

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(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 6254).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).

810.6 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.

810.7 SECURITY BREACHES

The Records Manager shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following:

- Social Security number
- Driver license number or California identification card number
- Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
- Medical information
- Health insurance information

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- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology

810.7.1 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 Chula Vista 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 Chula Vista Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
2. When the breach involves an email address that was furnished by the Chula Vista Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

810.7.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.

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2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all 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 500,000 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

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Protected Information

812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Chula Vista Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

812.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Chula Vista Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

812.2 POLICY

Members of the Chula Vista Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department as the Agency CLETS Coordinator (ACC) who shall coordinate the use of protected information. The ACC should select an assistant(s) who will be responsible for assisting in training and serving in the capacity of the ACC when the ACC is absent or otherwise unavailable.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS),Department of Motor Vehicle (DMV) records and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice’s current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

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(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.

812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Chula Vista Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

812.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Agency CLETS Coordinator

(b) Police Support Services Manager

(c) Full-time employees of the Police Support Services

(d) Personnel specifically designated in writing by Division Commanders with the concurrence of the Agency CLETS Coordinator

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the

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transmission of summary criminal history information would be justified include a hostage situation or an armed suspect; however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.4.4 CRIMINAL HISTORY ACCESS

(a) **Authorized Criminal History Access**

1. Police personnel may access the California Criminal History (CCH) and the Interstate Identification Index (III) for the following purposes only:
   - Arrests/Criminal Investigations (CLETS P & P Section 1.6.1)
   - Research (CLETS P & P Section 1.6.1 (F)(3))
   - Citizen ride-a-longs (CLETS P & P Section 1.6.1(F)(2))
   - Jail Visitors (CLETS P & P 1.6.1 (F)(1))
   - Public Housing Authority (CLETS P & P Section 1.6.1 (D)(b))
2. Research requests must first be authorized in writing by the ACC and must not be for the purpose of taking law enforcement action against any named individuals.
3. When accessing either CCH or III, the following information must be included in the inquiry fields:
   - The purpose of the inquiry (arrest, investigation)
   - The name and ID number of the person who is receiving the information
   - A case number
4. In addition, a written entry documenting the case number shall be placed onto the log that is provided within every Division with CLETS terminal stations.

(b) **Unauthorized Criminal History Access**

1. Police personnel shall not access CCH or III for the following purposes:
   - For any reason when a case number has not been assigned.
   - Licensing or Employment (CLETS P & P Section 1.6.1 (D)(2))
   - Confidential Informants (CLETS P & P Section 1.6.1 (D)(2))
   - Curiosity (CLETS P & P Section 1.6.4 (A))

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- Intelligence (Absent a criminal investigation)

2. When the information is no longer needed it shall be destroyed. Information from CCH or III will not be stored in case files or any other unsecured location. It is permissible to forward information to another authorized law enforcement agency (refer to the CLETS manual for a listing and description of those authorized agencies) for the purpose of case issuance or investigative follow-up.

812.4.5 DMV ACCESS

Access to the databases for the DMV is for the purpose of enforcing the law.

It is prohibited to inquire into the DMV computer databases when not taking specific law enforcement action or conducting an authorized department investigation.

812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Police Support Services to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

812.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

812.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

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

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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.

812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

812.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

Members shall also ensure that unencrypted protected information is only transmitted across computer networks that have been approved by the Department of Justice for the transmission of protected information. Examples of networks approved for protected information include all internal network infrastructure maintained by the Police Department, and external network infrastructure used to communicate to or from Department-owned mobile devices using 2-factor authentication. Examples of networks that are not approved for protected information include but are not limited to: publically accessible networks such as the internet, email beyond the Department's domain (chulavistapd.org), non-secure or "guest" WiFi services, IP-based communication platforms such as Skype or Voice-over-IP (VOIP) telephony, and all mobile messaging services such as text messages, SMS, MMS, Twitter, and Facebook

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Messenger. Protected information may be transmitted over publically accessible networks when that information has been encrypted in accordance with established policies.

812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

812.7.1 COMPUTER TERMINAL SECURITY

Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Police Support Services, the Communications Center, the Professional Standards Unit, Patrol, and in the Investigations 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.

812.7.2 DESTRUCTION OF CORI

When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS

The Records Manager, unless otherwise directed by the Administrative Services 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 Administrative Services Division Commander may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Administrative Services 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.

812.7.4 SYSTEM HISTORY INFORMATION

CCH information is provided in written form on a monthly basis to the ACC. This information contains all criminal history inquiries requested during the previous month. These reports shall be maintained for a minimum of three years.

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Any request made through the CLETS system shall be tracked for a minimum of five years and some requests can be traced for a period of fifteen years. Any requests for previously obtained CLETS information shall only be obtained through the Professional Standards Office.

812.8 TRAINING PROGRAM

All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the ACC. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9 PENALTIES FOR MISUSE OF RECORDS

Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Policy Manual § 340.3.7(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 § 340.3.7(a).

812.10 LIVESCAN

Anyone who has not been trained and authorized shall not use any of the Livescan fingerprint instruments. Each person who uses Livescan will sign on with his/her own police ID number and unique password. The agency copy of the applicant Livescan form shall be maintained for a minimum of three years.

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Computers and Digital Evidence

814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Log all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether or not it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.

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4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.

(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.

(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).

(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS

Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. When possible, the device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2 SUBMISSION OF DIGITAL MEDIA

(a) The following are required procedures for the submission of digital media used by cameras or other recorders:

1. The recording media (smart card, compact flash card or any other media) shall be brought to the Department and downloaded into the Department web-server before the employees end of shift for submission into evidence. Once logged into the Department web-server the camera operator shall erase the files from the recording media.

2. As soon as possible following the collection of evidence, the camera operator is to remove the recording media from the digital camera and place the recording

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media into the provided envelope. The recording media and envelope are then to be kept in the camera case until the recording media can be downloaded for evidence.

3. The camera operator logging in the recorded media should print a copy of the digital files and give them to the case officer to attach with the report.

(b) In the event the camera operator is using a compact disc (CD) camera the digital images shall be copied from the temporary hard disk directly to a non-rewritable disc (CD) by the person who saved the images.

1. No alterations of the images shall be made while on the temporary hard disk.
2. When copying images from the temporary hard disk to a CD, the person who saved or copied the images to the CD will immediately confirm all files were completely and accurately copied.
3. The camera operator who copied the images to a CD will permanently write on the CD with the camera operators initials, date, and case number.
4. The CD will be maintained as any other evidence gathered by the investigator assigned. Additional Cd's may be copied and made available for court or any other necessary use.
5. Any images saved to the temporary hard disk will then be deleted.

814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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814.6 SUBMISSION OF AUDIO/DIGITAL MEDIA TO DISTRICT ATTORNEY'S OFFICE

The San Diego District Attorney's Legal Policy Committee has considered the impact of digital media issues and has adopted the following protocol:

AUDIO AND VIDEO DIGITAL MEDIA

All video records (VHS, S-VHS, DVC (mini digital video cassettes), 8mm, Hi8mm and Digital 8mm) submitted by law enforcement or the public to the District Attorney's Office must be on VHS or S-VHS video tape or in a usable digital format (video for Windows w/Microsoft codec "' 640 or 720x480 - .avi) that can be converted for editing and duplicating purposes to create prosecution work product and defense discovery.

All audio records originating from law enforcement agencies must be submitted to the District Attorney's Office on standard size cassette tape in "normal" speed or in .wav format on CD. No micro-cassettes or other audio formats will be accepted, unless the materials constitute original evidence seized during the investigation.

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Seizure and Release of Firearms

815.1 PURPOSE AND SCOPE

California Law provides that all firearm owners who want to retrieve seized weapons from the Department must first receive clearance from the Department of Justice, regardless of whether the firearm was seized as evidence or just for safekeeping.

815.2 SEIZURE OF FIREARMS

Any employee seizing a firearm shall document in an official report the circumstances leading to the seizure of the firearm, along with specific details about the make, model, serial number and caliber of the firearm, where available. Firearms seized as "found property" turned in for destruction should be documented in a "Miscellaneous Incident" report.

Employees should check firearm serial numbers through law enforcement databases (such as CLETS) prior to booking the weapon.

Whenever a firearm is seized from a private person, the seizing employee should notify the person of the following:

(a) Whether the weapon is being seized for evidence or for other reasons.

(b) Firearms seized for evidence may not be released without the approval of the District Attorney and an Investigations Division Sergeant

(c) Persons seeking the release of any seized firearm, regardless of the reason for seizure, must submit application for the release of the firearm, along with the appropriate fees, to the California Department of Justice, Bureau of Firearms. Firearms shall not be released without the approval of the Department of Justice.

1. The application for the release of a firearm shall be filed on the appropriate form as required by the California Department of Justice. This form is available at the Department of Justice's website, at http://www.ag.ca.gov/firearms/.

(d) Upon receipt of authorization from the Department of Justice, the owner of the firearm should contact the Chula Vista Police Department within 30 days to make an appointment to receive their weapon.

Seized firearms should be logged into property in accordance with Policy § 804, and in accordance with the direction of the Property Room, Crime Lab, Investigator, or any supervisor.

815.3 RELEASE OF FIREARMS

Firearms seized for evidence may not be released without the approval of the District Attorney and the Department Investigations Division. No Firearm may be released to a private party without written authorization from the Department of Justice.

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Upon releasing any firearm, the releasing employee shall document that release on the appropriate form or report, to be kept on file at the Department.

815.3.1 RELEASE OF FIREARMS TO LAW ENFORCEMENT AGENCIES

Department employees may periodically seize a firearm owned by an allied law enforcement agency. Nothing in this policy is intended to prohibit the release of firearms to any bona-fide law enforcement agency, provided the releasing employee confirms the identity and authority of the person to whom the firearm is to be released, and provided the employee receives the authorization of the Watch Commander or an Investigations supervisor. Whenever a firearm is released to an allied law enforcement agency, the releasing employee shall document that release on the appropriate form or report, to be kept on file at the Department.

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Animal Control

823.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for animal control officers and Chula Vista Police Department personnel in dealing with animal control related calls for service and to set forth procedures regarding animal control services, the handling of injured animals, and the abatement of animal nuisances.

823.2 ANIMAL CONTROL OFFICER RESPONSIBILITY

The Animal Control Officer (ACO) shall be responsible for enforcing local, state and federal laws relating to animals, and for appropriately resolving or referring animal problems as outlined in this policy.

During hours when the ACO is on duty, requests for animal control services shall be assigned by the Communications Center or the Watch Commander.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

823.3 OFFICER RESPONSIBILITY

During hours when the Animal Control Officer is off-duty, or if the ACO is otherwise unavailable, the following animal related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When animal has bitten someone is at large, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When the animal is gravely injured.

823.3.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal(s) associated with the case.

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823.3.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the Animal Shelter (9am-4pm) or to the holding pens, making sure the animal has food, water, and bedding.

The animal pick-up form must be completely filled out and placed in the ACO's box. Release of impounded dogs requires a fee be paid. Releases will be handled by the ACO.

The ACO will transport any animals in the holding pens to the Animal Shelter as soon as he/she comes on duty. Once a dog has been taken into custody, all releases should be handled by the Animal Shelter. In cases where the ACO is not available, the Watch Commander shall designate an alternate to transport so that any animals are not held in the holding pens unnecessarily for extended periods.

823.3.3 ANIMAL BITE REPORTS

Officers shall obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, then every effort shall be made to capture and impound the animal immediately.

823.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain and forward to the ACO as much information as possible regarding the nature of the complaint, complaining person, owner information (if possible), location of problem, etc. Officers will also document any actions taken, citation(s) issued, related report numbers, etc.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called to duty to handle. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an allied agency.

All requests to call in the ACO must be approved by a field supervisor or the Watch Commander.

823.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

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823.5 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, it shall be taken to a doctor of veterinary medicine as described below (Penal Code 597.1).

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic by the on duty ACO.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) The only exception to the above is when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

1. When the need to kill a seriously injured or dangerous animal is necessary, the department Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Watch Commander.

(d) Injured wildlife should be referred to the SPCA, Marine Mammal Center or Department of Fish and Wildlife as applicable. The SPCA will not pick up common pigeons (red legs), starlings, bats or skunks.

(e) When handling dead or injured animals department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(f) Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released. If the ACO is off duty, the information will be forwarded for follow-up.

823.5.1 VETERINARY CARE

The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to the Animal Care Facility by the on-duty Animal Control Officer..

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic by the on -duty Animal Control Officer.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

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823.5.2 INJURED WILDLIFE
Injured wildlife should be referred to the Animal Care Facility or Project Wildlife as applicable.

823.5.3 RESCUE OF ANIMALS IN VEHICLES
If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

823.6 CITATIONS
It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

823.7 POST-ARREST PROCEDURES
The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

823.8 POLICY
It is the policy of the Chula Vista Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

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Chapter 9 - Custody

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Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy establishes guidelines for the booking, housing, security and release of prisoners at the Chula Vista Police Department's Jail Facility.

In addition to this policy, the Department shall maintain the Chula Vista Police Department Jail Operations Manual on a current basis to reflect the procedures being followed within the Jail Facility (Title 15 § 1029 California Code of Regulations).

For the purposes of evaluating and regulating operations and conduct of Department members assigned to or operating within the Jail Facility, the Jail Operations Manual shall be considered an addendum to the overarching Chula Vista Police Department Policy Manual. Employees assigned to or operating within the Jail Facility are required to read and obtain necessary clarification of both this Policy Manual and the Jail Operations Manual.

The policies of the Jail Facility also include the following Policy Manual sections:

- Policy Manual § 300 Use of Force
- Policy Manual § 306 Leg Restraint Device
- Policy Manual § 308 Control Devices and Techniques
- Policy Manual § 324 Temporary Custody of Juveniles
- Policy Manual § 418 Mental Illness Commitments
- Policy Manual § 420 Cite and Release Policy
- Policy Manual § 422 Arrest and Detention of Foreign Nationals
- Policy Manual § 428 Immigration Violations
- Policy Manual § 514 Drunk driving Evidence and Collection
- Policy Manual § 902 Search Procedures for Arrestees
- Policy Manual § 1016 Communicable Diseases

The Department shall maintain the custody of prisoners in accordance with this policy, the Chula Vista Police Department Jail Operations Manual and the laws as established by the California Department of Corrections and Rehabilitation.

This policy also provides guidelines to address the health and safety of adults taken into temporary custody by members of the Chula vista Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy.

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Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Chula Vista City Jail to another facility by a member of this department the transporting officer shall be responsible for the following:

(a) Verify that the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.

(c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.2 JAIL COMPLIANCE OFFICER

The Department shall assign a Jail Compliance Officer (JCO) to monitor the department's compliance with jail standards/regulations and to propose and implement policy and training. The Chief of Police or their designee shall appoint the JCO and they shall report directly to the Chief of Police or their designee on jail matters. The duties of the Jail Compliance Officer may be assigned to the Jail Manager or to a separate employee as a collateral assignment, at the discretion of the Chief of Police.

Responsibilities of the Jail Compliance Officer shall include, but are not necessarily limited to, the following:

- Draft policies that meet the operational needs of the department and comply with those standards adopted by the Board of Corrections and are defined in the California Code of Regulations (Title 15 & 24), Health and Safety Code (§11551-§11563), Penal Code (§4004-§4030).
- Implement training programs to insure that the custodial staff meets the standards as outlined in Title 15 of the California Code of Regulations.
- Coordinate in-house training programs that comply with Board of Corrections standards and when logistically possible, offer those approved programs to outside agencies.

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- Conduct regular inspections of the jail facility to insure that basic health and sanitation standards are being met.
- Review documents prepared by the custodial staff to ensure compliance with safety checks, classification, medical assistance and visitation issues. In the event that the JCO discovers non-compliance with policy or state law, they will notify the jail manager immediately in writing of the discrepancies.
- Coordinate with the Board of Corrections, the San Diego County Grand Jury, the Superior Court and the San Diego County Health Department on Audits and inspections of the facility.

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties.The plan should ensure that at least one member who meets the training standards established by the corrections Standards Authority (CSA) for general fire and life safety and is trained in fire and life safety procedures relating specifically to the facility is on duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by CSA staff.The review recommendations of the CSA biennial review shall be forwarded to the City, as required by (15 CCR 1027).

900.2 PRISONER SUPERVISION AND CLASSIFICATION

The supervision and classification of all prisoners will be in accordance with the Jail Operations Manual.

900.2.1 PRISONER CLASSIFICATION, SCREENING AND SEGREGATION

It is the policy of the Chula Vista Police Department Jail to segregate prisoners in compliance with the requirements noted in Title 15 of the California Code of Regulations.

(a) It is necessary to establish a prisoner classification procedure wherein each prisoner will be evaluated, prior to housing, according to categories of sex, age, criminal sophistication, seriousness of crime charged, assaultive/non-assaultive behavior, medical problems, mental state (including developmental disabilities) and sexual orientation, and housed in order to provide for the safety of prisoners and staff (15 CCR § 1050).

(b) As part of the booking procedure, the booking officer should evaluate each incoming prisoner using the Prisoner Classification and Screening Form. This form may be incorporated into an electronic jail management database.This form shall be completed in its entirety in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, restrictions, cell assignments and other criteria to ensure the safety of the prisoner and staff.

(c) During the booking procedure, the booking officer shall ask the prisoner if they are contemplating suicide. The officer shall evaluate the prisoner for other signs or indications that the prisoner may be suicidal. If there is any suspicion that the prisoner

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may be suicidal, they shall be transported to the county jail or appropriate mental health facility. The receiving staff shall be notified in writing (e.g., noted on the booking sheet, 5150 form, etc.) that the suspect may be suicidal.

(d) It is the responsibility of the on duty Detentions Officer to ensure that the Prisoner Classification and Screening Form has been properly completed. After the completion of the form, the Watch Commander will be required to authorize, on a case-by-case basis, the placement of each prisoner in the Jail who is not immediately released or transported to the county jail.

1. The prisoner will then be housed or transported.
2. The completed classification form will be retained with the booking record.

(e) Before placing any prisoner into a temporary holding cell with any other prisoner, members shall consider whether the prisoner may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141).

(f) If a prisoner will be housed overnight in the same cell with any other prisoner, they shall be screened to assess their risk of being sexually abused by other prisoners or of being sexually abusive toward other prisoners. Members shall ask the prisoner about their own perception of vulnerability and shall consider the following criteria to screen prisoners for risk of sexual victimization, including (28 CFR 115.141):

1. Whether the prisoner has a known or apparent mental, physical or developmental disability.
2. The age of the prisoner.
3. The physical build and appearance of the prisoner.
4. Whether the prisoner has previously been incarcerated.
5. The nature of the prisoner's alleged offense and criminal history.

(g) Any prisoner identified as being at a high risk for sexual victimization shall be provided with heightened protection. This may include continuous, direct sight and sound supervision, single-cell housing or placement in a cell that is actively monitored on video by a staff member who is available to immediately intervene, unless no such option is reasonably feasible (28 CFR 115.113; 28 CFR 115.141).

900.2.2 TEMPORARY DETENTION OF JUVENILES

When a member of this department takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy Manual § 324 is incorporated as a part of this manual and should be consulted regarding the policies and procedures for the temporary custody of juveniles.

All juvenile detentions will be logged per the provisions of Policy Manual § 324.

900.2.3 HANDCUFFING OF PREGNANT ARRESTEES

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall persons known to be pregnant or in recovery following delivery be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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No arrestee who is in labor, delivery or recovery after delivery shall be otherwise handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers or others (Penal Code § 6030).

900.2.4 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM
Any Temporary Holding Facility incident that results in physical harm or serious threat of physical harm to an employee, inmate or other person shall be documented per the Use of Force Policy, On-Duty Injuries Policy or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted to the Facility Manager as soon as reasonably practicable. The Facility Manager will retain a record of these reports for inspection purposes (15 CCR § 1044).

900.2.5 ENTRY RESTRICTIONS
Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

900.3 PRISONER TELEPHONE CALLS

Every prisoner, whether adult or juvenile, detained in the Temporary Holding Facility shall be entitled to at least three completed telephone calls immediately upon being booked and no later than three hours after arrest. Either the arresting officer or the booking officer must ask the arrested person if they are a custodial parent with responsibility for a minor child as soon as practicable but no later than three hours after the arrest, except where this may be physically impossible. If the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make two additional telephone calls for the purpose of arranging care for the minor child (Penal Code § 851.

There is no obligation for the officer to make a call on a prisoner's behalf - for example in the case of a person that is so intoxicated that he or she cannot make a call. An officer is not required to wake an intoxicated person three hours after booking so that they may complete a call.

There is also no limitation on the amount of time a prisoner's phone call must last. A prisoner should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his or judgment in determining the duration of the calls.

900.3.1 TELEPHONE CALL PROCEDURES
The Department will pay the cost of local calls. Long distance calls must be paid by the prisoners using a private vendor under contract with the Department.

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Calls between the prisoner and their attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

The provisions of Penal Code § 851.5 shall be posted in bold block type in a conspicuous place within the Temporary Holding Facility.

900.4 USE OF SOBBERING CELL

Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.
The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):
a. Placement of an inmate into the cell requires approval of the Watch Commander.
b. A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.
c. A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
d. Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
e. Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.5 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary.

An inspection also should be conducted when they are released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.
(c)The individual shall have constant auditory access to [department/office] members. (d) The individual's initial placement into and removal from a locked enclosure shall be

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logged.

(e) Safety checks by [department/office] members shall occur no less than every 15 minutes (15 CCR 1027.5).

1. Safety checks should be at varying times.

2. All safety checks shall be logged.

3. The safety check should involve questioning the individual as to their well- being.

4. Individuals who are sleeping or apparently sleeping should be awakened.

5. Requests or concerns of the individual should be logged.

900.6 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of prisoner's property to avoid discrepancies or losses.

The personal property of an individual in custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Any personal property belonging to the prisoner but retained by the officer, such as a driver's license, wallet, and other similar property, shall be placed in a property bag, and sealed. A list of the property shall be included on the booking form. Any property too large to be kept in the Jail Facility shall be booked into property for safekeeping.

Weapons belonging to the prisoner shall not be brought into the Jail Facility or placed into the prisoner's property for inventory, but secured outside the Jail Facility until they can be booked into evidence or safe keeping.

Property belonging to the prisoner, but retained by the officer as evidence, shall be logged according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.6.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer should be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small

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enough to be easily lost should also be sealed in an envelope. "Unusually large stones, or the absence of stones, or other details about valuable jewelry should be noted.

900.6.2 RELEASE AND RETURN OF PRISONER PROPERTY

Upon release of an individual from custody, their items of personal property shall be compared with the inventory, and they shall sign a receipt for the property's return.If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt.The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding their property.The Watch Commander shall attempt to prove or disprove the claim.

900.7 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The Support Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Chula Vista Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Watch Commander, Chief of Police, Jail Manager and Investigation Division Commander

(c) Notification of the spouse, next of kin or other appropriate person

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Evidence preservation

(h) In-custody death reviews (15 CCR 1046)

(i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.7.1 SECURITY

(a) At no time are firearms, deadly weapons, or any type of explosive device permitted within the confines of the Jail Facility. Weapons should be properly secured in the gun lockers outside the entrance to the Jail Facility. An exception may occur only during emergencies upon approval of the Jail Facility Manager or Watch Commander. For the purposes of this policy, weapons shall include but are not necessarily limited to:

1. Firearms
2. Ammunition
3. Knives

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4. Batons
5. Tasers
6. Pepper Spray and Chemical Mace
7. Full-Sized Flashlights

(b) Jail Facility doors are to be kept closed and locked at all times except during routine cleaning when no prisoners are in custody or in the event of an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

(d) No personnel shall smoke at any time while in the Jail Facility. No prisoner shall be allowed to smoke or possess smoking materials in the Jail Facility.

(e) Restraint devices such as handcuffs, flex-cuffs, belly-chains and leg restraints will be used in accordance with existing department policy.

(f) Use of the leg restraint device or other restraints will only be used upon approval of the Watch Commander and in accordance with Policy Manual § 306 that is incorporated as a part of this manual.

(g) All personnel shall comply with all department use of force directives, including Policy Manual § 300, incorporated herein.

(h) All prisoners shall be scanned with the metal detector wand before entering the Police Department Jail facility.

900.8 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

(d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of their property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Chula Vista Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if they are being sent to another facility.

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(a) The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.8.1 USE OF PRIVATE SECURITY GUARDS FOR TRANSPORTATION

The Department may contract with private security guard firms (PSG) for the transportation of prisoners. The use of a PSG is intended to free up uniformed patrol resources for calls for service, proactive enforcement and other priority activities. But caution should be exercised to avoid placing PSG in a position that is unreasonably hazardous or that requires them to make significant decisions on behalf of the Department. Each mission given to PSG must be carefully evaluated for potential hazards and risks. In some cases, the use of a Department employee rather than PSG may be preferred.

Police Services Officers may call for the use of a PSG to transport a prisoner unless circumstances reasonably suggest otherwise. The decision to use PSG should be based on a careful evaluation of a variety of factors. PSG should only be used when the risk of violence or escape is deemed to be minimal. Examples where PSGs may generally be used include, but are not limited to the following circumstances:

(a) Transporting cooperative pre-arraignment prisoners from CVPD Jail to another jail facility.

(b) Transporting cooperative prisoners from a hospital after being cleared for incarceration, regardless of whether the prisoner had been under guard of PSGs or Department officers.

(c) Transporting prisoners in accordance with other contracts or agreements. This includes duties related to contracts with the United States Marshals Service.

PSGs should only be used for cooperative prisoners. PSGs shall not be used in any circumstance involving combative prisoners, prisoners that represent a heightened security risk, prisoners that require medical or psychiatric treatment, or for unusual or non-routine circumstances. Examples where PSGs shall not be used include, but are not limited to the following circumstances:

(a) Transporting prisoners to medical facilities or psychiatric facilities for evaluation, treatment or clearance.

(b) Transporting or guarding combative prisoners or those that present a heightened risk of violence or escape.

(c) Any other circumstance that presents an increased risk to the Department or increased hazard to PSG.

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In all circumstances the on-duty Watch Commander has discretion to require or deny the use of a PSG.

900.8.2 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

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Custodial Searches

902.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Chula Vista Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

902.1.1 DEFINITIONS

Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

902.2 DEFINITIONS OF SEARCHES

Pat-Down Search - This is the normal type of search used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the prisoner, or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. All pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search - This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)). This includes monitoring of an arrestee showering or changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

Physical Body Cavity Search - This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code §§ 4030(d)(1) and 4030(d)(3)).

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All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

902.3 PAT DOWN SEARCHES

When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer and the body worn camera shall be activated. A second officer should be in a position to visually record the search.

902.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Chula Vista Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility. Before entering the Police Department Jail facility, all prisoners shall read or be read the following admonishment posted on the wall leading into the Jail facility:

"Any person who has in their possession or who brings or sends into any jail facility or within the grounds of any jail facility, any controlled substance, or drugs of any kind in any manner, or any drug paraphernalia, or any alcoholic beverage, is guilty of a felony."

If the prisoner is primarily a Spanish speaker the officer shall allow the prisoner to read this admonishment in Spanish.

All prisoners shall be scanned with the metal detector wand before entering the Police Department Jail facility.

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902.5 STRIP SEARCHES

No individual in temporary custody at any Chula Vista Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Chula Vista Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

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(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

902.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

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(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

902.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

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(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

902.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

902.8 BODY SCANNER SEARCH

If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members (Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.

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Prison Rape Elimination

904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against detainees or prisoners in the Chula Vista Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

904.1.1 DEFINITIONS

Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the detainee, prisoner, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- Voyeurism by a staff member, contractor, or volunteer

Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Chula Vista Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Chula Vista Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Chula Vista Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).

2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

904.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Detainees or prisoners may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Chula Vista Police Department.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and

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regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

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904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Chula Vista Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department’s zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees and prisoners.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.

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- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Manager shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Chula Vista 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 Chula Vista Police Department provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status. 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 RECRUITMENT

The Administrative Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Administrative Services Division Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

(b) Driving record

(c) Reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state and federal criminal history record checks

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

(j) Review board or selection committee assessment

1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Chula Vista 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).

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1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

1000.5.3 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private or protected information, the Administrative Services Division Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate and validated.

(c) The Department fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed

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within 180 days of voluntary separation from the Chula Vista Police Department or is transferred to a different department within the City as provided in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions

(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship

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(c) At least 18 years of age

(d) Fingerprinted for local, state and national fingerprint check

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test or obtained a two year, four year or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional or mental condition which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

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Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The objective of the evaluation system is to record work performance for both the Department and the employee, giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, discipline, demotion and termination. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY

The Chula Vista Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

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Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

1002.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under the Reserve Officers Policy.

1002.4 FULL TIME PROBATIONARY PERSONNEL
Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed quarterly for all full-time civilian personnel during the probationary period.

Sworn personnel hired and required to attend a California police academy are on probation for 18 months before being eligible for certification as permanent employees. Sworn personnel hired that are not required to attend a California police academy (including laterals and entry-level employees) are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated during their probationary period daily while in training, and quarterly while out of training.

Probationary employees shall receive an "End of Probation" evaluation at the conclusion of their probationary period. If the employee's end of probation falls between May 1st and July 1st, there will be no need to complete a regular evaluation in July of that year. If the employee's end of probation falls on or before April 30th, an interim regular evaluation shall be completed in addition to the "End of Probation" evaluation to cover the period of time up to the July 1st regular evaluation date. This is to ensure no employee goes longer than 15 months without receiving a yearly evaluation.

1002.5 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to three types of performance evaluations:

(a) **Regular** - Except as otherwise required by this policy, an Employee Performance Evaluation shall be completed at least once each year by the employee's immediate supervisor, in accordance with the following schedule:

1. For personnel assigned to uniformed patrol, an Employee Performance Evaluation shall be completed on the last day of the employee's assigned shift.
2. For all other personnel, an Employee Performance Evaluation shall be completed on July 1st of each year.

(b) **Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period, then partial evaluations shall be completed by both the previous and the current supervisor. Each supervisor shall evaluate the employee based on the time period for which the employee was assigned to the supervisor. Both partial evaluations shall be submitted as one package.

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(c) **Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Each supervisor is responsible for meeting quarterly with each employee for the purposes of assessing the employee's progress and identifying training needs. The supervisor should also meet at least twice per year with their direct mid-manager to review the employee's performance. These meetings shall be documented on the quarterly evaluation checklist and attached to the performance evaluation.

Mid-Managers shall conduct annual meetings with their Division Commander to discuss the performance of their employees.

1002.5.1 RATINGS

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. Performance measures included herein are based, in part, on the overall expectation of the employee performance by the Department (to include subordinates, peers, supervisors and managers). Standards are based on the employee's knowledge and application of the Department policy, any training bulletins, department directives or other general orders, standard operating procedures, and the orders and commands of supervisors, to include written directives such as the "State of the Watch" expectations.

The definition of each rating category is as follows:

(O) Outstanding - Is actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

(AS) Above Standard - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

(MS) Meets Standards - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

(SS) Sub-Standard (improvement needed) - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

(U) Unsatisfactory - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

(NA) Not Applicable - The performance measure is not applicable to the employee's position, assignment, or duties, or was not observed by the supervisor.

Space for written comments is provided next to each performance measure in the rater comments section. Additional space is provided at the end of the performance evaluation. These sections

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allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked sub-standard or unsatisfactory shall be substantiated in the rater comments section. The supervisor is also encouraged to include written comments for any ratings of above standard and outstanding.

1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (generally a mid-manager or Division Commander). That supervisor shall review the evaluation for fairness, impartiality, uniformity, and consistency. That supervisor shall evaluate the supervisor on the quality of ratings given.

All completed performance evaluations shall be forwarded to the Division Commander for final review and approval.

1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file for the tenure of the employee's employment. A copy will be given to the employee and a copy may be forwarded to Human Resources if required by City Policy.

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Special Assignments and Rotation Policy

1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for making special assignments and rotations within the Chula Vista Police Department.

1004.2 DEFINITION OF ASSIGNMENTS

For the purposes of this policy, the following definitions shall apply.

(a) "Department-wide rotation" or "annual rotation" means the date on which most personnel transfers occur annually, and shall be the first day of the first full pay period in July.

(b) "Grant funded position" means a specialty assignment for any rank whose funding is for a pre-determined length of time.

(c) "Minimum commitment" means the length of time officers and agents are required to remain in a specialty assignment and shall be one year from the date of assignment. Minimum commitments apply each time personnel attain a new specialty assignment. Minimum commitments are imposed primarily because of training demands and the length of time to attain competence.

(d) "Specialty assignment" means full-time positions for all sworn ranks within the Department that are not considered uniformed Patrol (Patrol K9 assignments are specialty assignments). These assignments shall be filled by competitive processes but are not considered promotions.

1004.2.1 TERM LIMITS OF ASSIGNMENTS

Term limits shall be established for assignments outside of uniformed patrol operations. It is the intent of the Department to allow more employees a chance to compete for, and work in, various positions that will expand their knowledge and enhance their careers. Extensions may be allowed in assignments when doing so will ensure operational effectiveness.

(a) Term limits are established for specialty assignments in order to allow employees the opportunity to compete for, and work in, various positions that will expand their knowledge and enhance their careers.

(b) Term limits for specialty assignments are generally calculated to start and end in conjunction with the Department-wide rotation date. For assignments not occurring on an annual rotation date, terms will be calculated to start either at the previous annual rotation date or the following annual rotation date, whichever is nearer.

(c) The term limit for specialty assignments for all ranks and positions is four years. Sworn personnel assigned to any grant funded position shall be limited to a term of four years or the life of the position, whichever is less.

(d) Selection or reassignment to a vacancy in a pre-existing specialty assignment from a different specialty assignment shall not constitute the beginning of a new term. Selection or reassignment to a new specialty assignment (i.e. one that has never

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previously existed, such as a new grant-funded position or otherwise newly created position) shall constitute the beginning of a new term.

1004.2.2 ELIGIBILITY FOR ASSIGNMENTS

Officers and agents are eligible for specialty assignments upon completion of probation. Sergeants and lieutenants are eligible for specialty assignments regardless of probationary status. Officers and agents who are in specialty assignments are eligible for other specialty assignments only after completing the minimum commitment. Sergeants and lieutenants are generally exempt from minimum commitments. Additionally, officers and agents who return for any reason to uniformed Patrol from a specialty assignment must complete six months in uniformed Patrol before being eligible. However, for new specialty assignments (i.e. one that has never previously existed, such as a new grant-funded position or otherwise newly created position), any employee that has completed probation and is of the appropriate rank, regardless of minimum commitment times described in this paragraph, shall be eligible for the specialty assignment.

Officers and agents who voluntarily return to uniformed Patrol before their minimum commitment is fulfilled shall not be eligible for another specialty assignment until one year after the expiration of that minimum commitment.

Personnel are eligible for positions to be filled at the Department-wide rotation date if they meet the requirements of this section on or before that date. Personnel are eligible for positions to be filled on any other date if they meet these requirements on or before the position’s anticipated fill date as listed in the position announcement. In the event an estimated fill date cannot be determined or is otherwise not included in the position announcement, personnel are eligible if they meet these requirements on or before the position announcement closing date.

1004.2.3 EXTENSION OF ASSIGNMENT

Assignments may be extended beyond the term limits. Extensions for any specialty assignment shall be considered on a case-by-case basis and are at the discretion of the Chief of Police. Supervisors' requests for subordinate extensions shall be in writing to the Division Commander. Unit effectiveness, employee performance, unit makeup, and opportunity for other qualified candidates are some of the considerations for granting extensions.

Extensions shall be two years in length and personnel shall not be extended in a position more than twice for any one assignment.

Sworn personnel who are promoted while in a specialty assignment should return to uniformed Patrol as soon as practical. If the operational effectiveness of an assignment dictates an extension of newly promoted personnel, unit supervisors may recommend an extension of up to one year. These extensions are at the discretion of the Chief of Police.

1004.3 SELECTION PROCESS

In order to assist with timely scheduling of the uniformed Patrol Division, vacancies for any positions scheduled to be filled upon a regularly scheduled Patrol shift-change should be

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completed within 120 days of the shift-change. Vacancies for positions scheduled to be filled at other times should be completed as soon as reasonably practical.

(a) Position announcements for any vacancy shall be published for no more than fifteen calendar days and no less than ten. Except for positions filled in concert with a Department-wide rotation date, position announcements should contain an estimate of the date the position is expected to be filled. Specialty assignment announcements shall be sent to all eligible personnel by Department-wide email at a minimum.

(b) If there is no interest in a specialty assignment after the first announcement period ends, a second announcement shall be published. During the second announcement period, the assignment shall be available to all personnel at the appropriate rank regardless of probation, time in uniformed Patrol or any other eligibility limitations listed in this policy.

(c) If there is no interest in a specialty position after the second announcement period ends, the least-senior sworn member may be mandated to the position. For specialty assignments in which both officers and agents are eligible, the least senior agent may be mandated to the position.

(d) In order to assist with timely scheduling of the uniformed Patrol Division, selections for specialty assignments to be filled at the Department-wide rotation date should be completed within 90 days of that date. Position vacancies occurring at other times of the year shall be filled as soon as practical.

1004.3.1 EVALUATION OF APPLICANTS

Multiple applicants for any position shall take part in a competitive process, to include but not necessarily limited to, an interview panel of at least two persons (generally the unit supervisor and the unit manager or designee). The interview panel will transmit their recommendation to the division commander after the process is complete. The following conditions shall be used in evaluating candidates for transfer:

(a) Presents a professional, neat appearance;

(b) Demonstrates:

1. Emotional stability and maturity
2. Sound judgment/decision making (preceding three years of relevant discipline history may be considered)
3. Personal integrity
4. Honesty
5. Leadership
6. Initiative
7. Ability to confront and/or deal with issues both positive and/or negative
8. Ability to conform to organizational goals and objectives

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1004.3.2 SELECTION OF APPLICANT

The Division Commander will evaluate interview panel recommendations and consent before any employee is selected for a position. Candidates not selected for a specialty assignment shall remain in an eligibility pool for a period of six months from the closing date of the position announcement. Subsequent vacancies may be filled from this pool. The division lieutenant has the option of re-interviewing candidates for these positions.

The Division Commander may reassign personnel within the Division to provide the most effective and efficient service.

Specialty unit supervisors shall create and distribute personnel schedule change calendars for successful candidates as soon as practical.

The Professional Standards Unit shall maintain a personnel "career history" record of all transfers.

1004.3.3 FINAL AUTHORITY

The Chief of Police is the final authority for all selections, transfers, assignments, and extensions may assign personnel as needed in order to maintain an effective and efficient organization.

1004.3.4 IMPLEMENTATION OF THIS POLICY

Upon implementation, this policy shall immediately be in effect for all ranks and positions. All terms and conditions of assignments shall be redefined in accordance with this policy.

1004.3.5 POLICY MODIFICATIONS

Revisions to this policy shall be referred to a committee of representatives from the affected rank, CVPOA, and management.

1004.4 ROTATION OF COMMUNITY SERVICE OFFICERS

For the purposes of evaluating assignments of Community Service Officers, "Special Assignments" includes all assignments other than the Patrol Division, and shall include assignments in the Traffic Unit.

1004.4.1 DURATION OF SPECIALIZED ASSIGNMENTS

All specialized assignments will be four years. Community Service Officers selected for a specialized assignment must remain in the assignment for at least one year before they apply for another specialized assignment. Reassignment from one specialized assignment to another shall not constitute the beginning of a new four-year term.

1004.4.2 VOLUNTARY ASSIGNMENT

When a specialized assignment becomes vacant, any Community Service Officer who has completed probation, or who has received the authorization of the Chief of Police or his or her designee, may apply for the position. Eligible applicants shall be interviewed as part of a competitive process. The Division Commander will have authority in determining appointment to a specialty assignment.

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The Community Service Officer who is currently serving in the assignment may reapply but shall only be considered if there are no other qualified applicants. All extensions will be considered separately and are based solely on the needs of the organization at the discretion of the Chief of Police or his or her designee.

1004.4.3 MANDATORY ASSIGNMENT

If there are no applicants for the specialty assignment and the Community Service Officer leaving the assignment does not want to reapply, a Community Service Officer may be ordered to fill the assignment. The order of appointment should start with the Community Service Officer with the least seniority in the department that has completed probation and meets the minimum requirements for the position.

The Chief of Police or his or her designee may override the selection of a minimally qualified candidate if necessary. In such cases, the Chief of Police or his or her designee may mandate the most qualified Community Service Officer to the assignment.

The specialty or investigations Unit Supervisor and/or Division Lieutenant should determine the minimum qualifications for a Specialty Position. If the first Community Service Officer in order of lowest department seniority is not qualified, then the next in order of lowest seniority should be considered and thereon until the assignment is filled.

1004.4.4 PATROL ROTATION

Community Service Officers assigned Patrol shall rotate the first pay period in January and the regular patrol rotation period in July of each year. Community Service Officers in specialty assignments will only rotate in July during the department-wide shift change.

Shift trades may occur at the beginning of the rotation with notification to the scheduling Lieutenant at least 60 days before the new rotation begins. Tracking of the trades and notification to the scheduling Lieutenant will be done by the CSO scheduling representative(s). Final approval of the trade is at the discretion of the Operations Division Commander. Once the traded shift is completed, the CSO in that shift will return to their scheduled rotation slot. There will be no limit to the number of times someone may trade, as long as there is adequate staffing. All trades remain at the discretion of the Operations Division Commander.

Community Service Officers transferring out of Specialty Assignments will return to the open slot in the rotation left by the Patrol CSO going into the Special Assignment. If two or more slots open at the same time, they will be selected by seniority.

Assignment as a CSO Scheduling Representative is on a voluntary and collateral basis, with the knowledge that this position has no overtime available. All CSO scheduling shall be done during regularly scheduled duty hours.

The patrol rotation will be coordinated by a committee of representatives of Community Service Officers, the Lieutenant assigned as the liaison to Community Service Officers and the Patrol Lieutenant in charge of Patrol scheduling.

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1004.4.5 POLICY MODIFICATIONS

Modifications to the policy relating to the rotation of Community Service Officers shall be referred to a committee of representatives from CVEA/SEIU Local 221 and the Operations Division Captain or his or her designee(s).

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Reporting of Employee Convictions

1009.1 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.

The Administrative Services Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (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).

The Administrative Services Supervisor shall submit in a timely manner a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

1009.2 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.

1009.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendre plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

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1009.4 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1009.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Drug- and Alcohol-Free Workplace

1011.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1011.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1011.3 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. Such use shall not be tolerated (41 USC § 8103).

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 he/she 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, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1011.3.1 USE OF MEDICATIONS

Members should avoid taking 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 his/her 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 his/her abilities, without a written release from his/her physician.

1011.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1011.4 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.

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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).

1011.5 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.

1011.6 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.

1011.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under 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 his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

1011.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

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(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.

1011.7.2 SCREENING TEST REFUSAL
An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1011.8 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).

1011.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave

1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1013.2 POLICY

It is the policy of the Chula Vista Police Department to provide eligible employees with a sick leave benefit.

1013.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

1013.3.1 NOTIFICATION

All members should notify the Communications Center or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

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1013.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

1013.5 REQUIRED NOTICES

The Personnel Manager shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

1013.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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Communicable Diseases

1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1015.1.1 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 Chula Vista Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1015.2 POLICY

The Chula Vista 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.

1015.3 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) Ensuring that the work practices, controls, and procedures outlined in this policy are adhered to in the field.

(b) Ensuring that all exposures are documented and that exposed members are seen for post exposure follow-up care.

(c) Respond to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC §300ff-136).

(d) Notifying the County Health Officer regarding officer exposures under Penal Code § 7510.

(e) Ensuring members request exposure notification from health care facilities when transporting a person that may have a communicable disease per Health and Safety Code § 1797.188.

(f) Report any policy inconsistencies to Command Staff and the Human Resources Department.

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1015.4 EXPOSURE PREVENTION AND MITIGATION

1015.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

(b) Wearing department approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1015.4.2 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).

1015.4.3 UNIVERSAL PRECAUTIONS

All Human blood and body fluids such as saliva, urine, semen and vaginal secretions are to be treated as if they are known to be infections. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

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1015.4.4 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable diseases. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Disposable latex gloves (Keeping a box in the car is recommended.)
- Rescue (CPR) mask with a one-way valve.
- Anti-bacterial gel (or similar substance) to clean the skin at an emergency site.

The protective equipment is available from the Quartermaster. It is the employee's responsibility to keep, maintain, and inspect their protective equipment at the start of each shift and replace any equipment damaged, missing or as otherwise needed.

1015.4.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1015.4.6 USE OF WASTE CONTAINERS

Employees shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

The biohazard waste container located at the station shall be collapsible, leak proof, red in color or appropriately labeled with biohazard warning and routinely emptied.

1015.4.7 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

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If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required in accordance with the City's Risk Management policy.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other location not designated as the cleaning or decontamination area.

1015.4.8 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If capping is necessary, a onehanded method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to clean up debris. If the material must be hand held, protective gloves must be worn.

1015.4.9 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (gloves, dressings, CPR mak) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1015.4.10 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or

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police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1015.4.11 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag. Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that ia approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces, blood, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1015.4.12 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of blood stains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and report the matter to a supervisor or Watch Commander. Dry cleaning of contaminated clothing may be done at the Department's expense with the approval of a Division Commander.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1015.4.13 DECONTAMINATION OF VEHICLES

Officers who transport prisoners who have been identified as infected with a communicable disease and have left traces of fluid in the back seat of the patrol car shall decontaminate the vehicle using the following guidelines:

- When small amounts of biological fluid are present officers shall wipe up the fluid using the germicidal disposable wipes provided by the department. Latex gloves and a particle mask shall be worn when wiping up the fluid.

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- When medium amounts of biological fluid are present officers should take the vehicle out of service. The vehicle should be documented as being out of service for exposure to biological fluid. The Communications Center will contact the city custodial staff to have the vehicle decontaminated.
- When large amounts of biological fluid are present officers shall take the vehicle out of service. The vehicle shall be documented and a supervisor shall be notified to evaluate whether a biohazard company will need to be contacted to decontaminate the vehicle.

1015.4.14 DECONTAMINATION OF STATION AND CLEANING AREA
Areas designated for cleaning/decontamination are to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. Designated areas are to be thoroughly cleaned after each use and to be maintained in a clean and sanitary order at all times between each use. The application of cosmetics, smoking cigarettes, food and drink area prohibited in this designated area at all times.

1015.5 POST EXPOSURE

1015.5.1 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 and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1015.5.2 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 Employee ID of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(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)

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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 shall use the above information to prepare a written summary of the incident, its causes, and recommendation for avoiding similar events. This report should be completed in accordance with Human Resources Policies and Procedures for reporting duty-related illness or injury (forms HR-206. HR-207, and HR-208), and shall be forwarded to the Human Resources Department.

1015.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to HIV or Hepatitis B or C in the line of duty should be seen by a physician or qualified health care provider as soon as possible. The doctor or qualified health care provider should be provided wit the supervisor's report and the employee's medical records relevant to the visit and examination. The blood of the exposed employee shall be tested.

The health care professional will provide the Human Resources Department with a written opinion/ evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employer received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1015.5.4 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).

1015.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

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(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.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1015.5.6 EXPOSURE FROM A NON-ARRESTEE

Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing . The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult wit the City Attorney's Office and consider requesting that a court order be sought for appropriate testing.

1015.5.7 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

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(a) Comply 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.

(b) Take 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).

(c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employees' shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee's name should not appear on this form.

(d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Office to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.

1015.6 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential.

The Human Resources Department is responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing, and follow-up procedures that took place as a result of an exposure.

The Human Resources Department shall be responsible for maintaining the name of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent (except as required by law).

1015.7 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.

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(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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Smoking and Tobacco Use

1017.1 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 Chula Vista 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.

1017.2 POLICY

The Chula Vista 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).

1017.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Chula Vista Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

1017.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

1017.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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Personnel Complaints

1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Chula Vista 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.

1019.2 POLICY

The Chula Vista Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1019.2.1 COMPLAINTS AGAINST SUPERIORS OR CHIEF OF POLICE

Complaints against superior officers by members of the Department shall be in writing, directed to the superior officer's appropriate chain of command, with supporting facts and circumstances. Complaints against the Chief of Police shall be made in writing to the City Manager, with supporting facts and circumstances.

1019.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

1019.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Unit Manager is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or

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referred to the Professional Standards Unit, depending on the seriousness and complexity of the investigation.

1019.3.2 SOURCES OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

1019.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1019.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1019.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of his/her statement at the time it is filed with the Department (Penal Code § 832.7).

1019.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

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1019.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in IA PRO that records and tracks complaints. IA PRO shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit IA PRO and send an audit report to the Chief of Police or the authorized designee.

1019.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

1019.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

  1. The original complaint form will be directed to the 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.

  2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

  1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.

  2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Lieutenant and then the Professional Standards Unit.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Lieutenant will notify the chain of command as soon as practicable.

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(e) Promptly contacting the Department of Human Resources and the Professional Standards Unit 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 Professional Standards Unit, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
3. Collect all evidence and take other applicable photographs.

(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.

1019.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards Unit, 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 Chula Vista Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(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.

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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).

1019.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow the format outlined on the PD-591 memorandum.

1019.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

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Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1019.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

1019.7 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).

1019.7.1 ESTABLISHING VIOLATIONS

When determining whether or not a violation has occurred, the standard of proof shall be a preponderance of evidence. Proof beyond a reasonable doubt is not required. Existence of facts establishing a violation of a law, ordinance, or rule, is all that is necessary to support any allegation as a basis for a charge. It is not necessary that a formal criminal complaint be filed or sustained.

Any officer or employee violating their oath and trust by committing any offense punishable under the laws of the United States, State of California, or Ordinance of the City of Chula Vista, or who violates any provisions of the rules and regulations or procedures of the Police Department or the Civil Service rules, or who disobeys any lawful order, or who is guilty of conduct reflecting unfavorably on the City, City Administration or Police Department, or who is incompetent to perform their duties, is subject to disciplinary action.

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1019.7.2 DISCIPLINARY PENALTIES

Any officer or employee shall be subject to a written advise, written reprimand, transfer of assignment, reduction in pay and/or rank, suspension without pay, dismissal from the Department, or any combination of the foregoing penalties, according to the nature and seriousness of the offense.

In determining the level of disciplinary action to recommend, the Division Commander should follow the guidelines of progressive discipline and the lowest appropriate form of discipline should be imposed. After review of the circumstances, the Division Commander may direct the employee to attend specialized training to correct the conduct and may impose any of the following:

(a) Written Advise: To be used when a member has violated a Department regulation, performed a task improperly or used poor judgment in carrying out their responsibilities.

(b) Written Reprimand: To be used after serious or repeated violations of department regulations or procedures.

(c) Suspension, Reduction in Rank and/or Pay, Transfers, Loss of Specialty Assignment, Dismissals: To be used after a written reprimand has failed to improve employee behavior, or after significant violations of Department regulations or procedures or violations of the law.

1019.7.3 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

1019.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

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1019.8.1 RETENTION AND DESTRUCTION OF DISCIPLINARY RECORDS
Chula Vista City Council Resolution # 2003-398 requires that records of disciplinary and internal affairs investigations, reports, witness statements, and findings be retained for a period of at least six years and then may be destroyed. The retention and destruction of all internal affairs and disciplinary records shall be in accordance with Policy Manual § 1026.8.

1019.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Chula Vista 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.

1019.10 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 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.

1019.10.1 DIVISION COMMANDER RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

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1019.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the notice.

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

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

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1019.10.3 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)).

1019.10.4 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)).

1019.11 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

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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.

1019.12 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.

1019.13 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).

1019.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the Peace Officer Bill of Rights (Government Code § 3303; Government Code § 3304). At-will, probationary employees and those other than

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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.

1019.15 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 Files Policy.

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Seat Belts

1021.1 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).

1021.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

1021.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1021.3 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.

1021.4 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.

1021.5 POLICY

It is the policy of the Chula Vista Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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1021.6 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).

1021.7 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.

1021.8 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.

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Body Armor

1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1023.2 POLICY

It is the policy of the Chula Vista 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.

1023.2.1 USE OF SOFT BODY ARMOR

While on-duty and working any uniformed field assignment, all sworn personnel shall wear either their Department issued body armor or personal body armor approved by the Professional Standards Unit.

Officers may be exempt from wearing body armor if they have a related medical condition and provide the Department with a report from a medical doctor. The medical report will be maintained in the personnel file of the individual officer. Medical exemptions are subject to periodic review and officers may be required to have them renewed or reevaluated.

Officers in plainclothes assignments are normally not required to wear body armor. In the event that plainclothes officers are involved in pre-planned assignments that are potentially dangerous such as high-risk warrants, surveillance of dangerous suspects, etc. they shall wear body armor unless otherwise directed by their supervisor.

Supervisors should conduct periodic inspections to ensure compliance with this policy.

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Personnel Records

1025.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1025.2 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).

1025.2.1 CUSTODIAN OF RECORDS

The Professional Standards Unit Sergeant shall be the custodian of record for department personnel files.

1025.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records, including copies of sustained personnel complaints (Policy Manual § 1019 Personnel Complaints).

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).

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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.

1025.4 DIVISION FILE

Division files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Division file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

1025.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1025.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards 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 Professional Standards 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

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(b) Sustained

(c) Unfounded

(d) 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).

1025.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers’ compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor’s slips and attendance records that reveal a member’s medical condition.

(e) Any other documents or materials that reveal the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1025.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

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1025.8.1 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.

1025.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1025.8.3 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).

1025.9 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:

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(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the 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.

1025.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

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1025.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards 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.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

(b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

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1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

1025.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

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Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

1025.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:

(a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

1025.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or

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no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

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Commendations and Awards

1029.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Chula Vista Police Department and individuals from the community.

1029.2 POLICY

It is the policy of the Chula Vista Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1029.2.1 DUTY TO REPORT

It is the privilege of every employee to report any acts that they have observed or have knowledge of that may be worthy of recognition. This information is to be reported to the Chief of Police via the proper Chain of Command and through the Department's Award and Recognition Committee.

1029.3 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

1029.4 AWARDS AND RECOGNITION PROGRAM

1029.4.1 AWARDS AND RECOGNITION COMMITTEE

The Awards and Recognition Committee, composed of volunteer employees from within the Department, shall review all recommendations for awards to ensure that the criteria have been met. The Committee shall then forward recommendations to the Chief of Police for final disposition.

Responsibilities of the Awards and Recognition Committee may include, but are not necessarily limited to, the following:

(a) Collect, review and investigate all recommendations for awards or commendations

(b) Solicit information from within the Department regarding acts of bravery, heroism, or other exemplary performance to ensure that the employee(s) receive appropriate recognition.

(c) Act as the department's liaison to other agencies, service organizations, and community groups that seek to recognize employees for outstanding performance.

(d) Submit to the Chief of Police recommendations for specific awards.

(e) Plan, coordinate, and present the Annual Department Awards and Recognition Ceremony held in conjunction with National Law Enforcement Memorial Week.

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The Awards and Recognition Committee will consist of a chair person, selected by the Chief of Police or his/her designee, and volunteer employees from the Department. If possible, the Awards and Recognition Committee should include a number of representatives from all separate Department divisions to ensure proper representation.

1029.4.2 BRAVERY AWARDS

The following two awards for bravery shall be in recognition of a single act performed by a sworn peace officer employed by the Chula Vista Police Department. Each single act of bravery will be evaluated individually and several commendatory incidents will not qualify for a higher award.

The awards for bravery may be given in conjunction with the award for lifesaving if the act resulted in the saving of a human life.

Medal of Honor

The Medal of Honor is the department's highest award for bravery. It may be awarded to an officer who distinguish themselves by conspicuous bravery and heroism above and beyond the normal requirements of police service. Nomination for this award will be based on the following criteria:

(a) The act was performed displaying extreme courage while the officer was consciously facing imminent personal danger.

(b) The act was necessary to prevent catastrophe, death, or injury to another person or persons.

This award consists of a medal, shirt bar, and certificate. The names of the recipients are also placed on a perpetual plaque displayed in the police facility.

Medal of Valor

The Medal of Valor is the department's second highest award for bravery. It may be awarded to officers who, while serving in an official capacity, distinguish themselves by conspicuous bravery above and beyond the normal requirements of police service. Nomination for this award will be based on the following criteria:

(a) The act was performed displaying exceptional courage under conditions likely to result in serious injury or death to the officer.

(b) The act was necessary to prevent catastrophe, death, or serious injury to another person or persons.

This award consists of a medal, shirt bar, and certificate. The names of the recipients are also placed on a perpetual plaque displayed in the police facility.

1029.4.3 SPECIAL AWARDS

These awards are based on an employee's exceptional performance, which is above that normally expected and meets the appropriate criteria.

Police Purple Heart Medal

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The Police Purple Heart Medal may be awarded to an officer who, while serving in an official capacity, incurs a serious injury. Nomination for this award will be based on the following criteria:

(a) The injury was incurred as a direct result of the actions of another person.

(b) The injury was caused by a firearm, explosive device, dangerous weapon, or other potentially deadly force.

This award consists of a medal, shirt bar, and certificate.

Lifesaving Medal

The Medal for Lifesaving may be awarded to employees who, while acting in an official capacity, either on or off duty, distinguish themselves by personally performing acts that save human lives which otherwise may have resulted in imminent death. The acts need not be performed under conditions requiring bravery or exposure to personal risk. This award may also be presented to a member of another law enforcement agency who, while assisting a member of this department, performs an act, which results in the saving of a human life.

This award consists of a medal, shirt bar, and certificate.

Chula Vista Police Memorial Award

The Chula Vista Police Memorial Award shall be presented to the next of kin of an officer who, while employed with the department, dies from an injury or illness sustained in the line of duty. The presentation of this award does not preclude awarding other medals posthumously to the next of kin of the officer if the criteria are met.

Virgil Seiveno Memorial Award and Thomas G. Loughran Memorial Award

The Virgil Seiveno Memorial Award is presented annually to a sworn police officer of the Chula Vista Police Department, serving in a leadership position. The Thomas G. Loughran Memorial Award is presented annually to a civilian employee of the Chula Vista Police Department. These awards serve to recognize the Chula Vista Police Department's Officer and Employee of the Year.

These awards are presented to the officer and civilian employee who, through their efforts, have demonstrated leadership, accountability, dedication and the highest level of work ethics to the department, community and our profession.

The recipients of these awards receive a framed certificate and their names are placed on a perpetual plaque displayed in the police facility.

Exceptional Service Award

The Exceptional Service Award is one of the Department's highest honors and it is awarded to employees or citizens for exceptional service to the Department or community or a significant contribution, which exemplifies and fulfills the objectives of the department. Recommendations

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for this award shall be reviewed by the Awards and Recognition Committee and submitted to the Chief of Police for final consideration.

This award consists of a framed certificate.

Communications Operator of the Year Award

Selected by their peers, this award is presented annually to the Communications Operator who, through their performance, demonstrates leadership and dedication to their division, the department, and the community.

The recipient of this award receives a framed certificate and their name placed on the perpetual plaque displayed in the police facility.

1029.4.4 DEPARTMENTAL COMMENDATIONS

The Department Commendation Program has been divided into three categories and provides a distinct separation between the various levels of performance. These three categories are specific and dependent upon the performance being recognized.

Employee of the Shift Award

Awarded by the Chief of Police to department members for outstanding and sustained performance during an assigned shift (every six months). Th is award honors (1) Sworn officer in the Patrol Division, (1) Sworn officer in the Investigative Division, (1) Professional Staff member and (1) Volunteer.

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Letters of Commendation, Recognition (Atta-Person's)

Letter of recognition include 911 letters, memorandums, and informal commendations, which duly recognize any department member for performance, viewed as positive or proactive and focused at meeting the department's mission and goals.

Employee recognition letters/memorandums should be forwarded to the Commander of the Division to which the recipient is assigned. Upon approval, the employee and his/her supervisors will initial and return it to the Division Commander. The immediate supervisor of the recipient should note all forms of informal employee recognition so that it can be included in their next performance evaluation.

1029.4.5 OTHER DEPARTMENTAL AWARDS

Joshua Cox Memorial D.U.I. Award

In conjunction with the San Diego County Chapter of Mothers Against Drunk Driving, this award is given to the one officer who has the highest number of self-initiated arrests for driving under the influence during each calendar year.

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The recipient of this award receives a framed certificate and their name placed on the perpetual plaque displayed in the police facility.

Auto Theft Award (10851 pin)

In conjunction with Automobile Club of Southern California and CHP, the department recognizes officers for their efforts in the recovery of stolen vehicles and the arrests of suspects. Based on an annual point count system during the calendar year, officers are awarded 10851 pins and certificates at the Annual Awards and Recognition Ceremony.

These points are accumulated by self-initiated recoveries and arrests and IT IS THE RESPONSIBILITY OF EACH INDIVIDUAL OFFICER TO MAINTAIN THEIR POINT COUNT AND PROVIDE COPIES OF REPORTS FOR VERIFICATION.

Safe Driving Award

In conjunction with Automobile Club of Southern California, the department recognizes individual officers who exercise careful and prudent use of the streets and highways while protecting life and property. The Safe Driving Award is given to uniform personnel for collision-free driving over a five year period of time. Recipients are given a framed certificate from the department and a plaque from the Automobile Club of Southern California.

Service Award

Employee Service Awards are given to department members in recognition of length of service within the department or City.

City Proclamation

A City Proclamation will be presented to any Department Employee retiring from the Police Department with a minimum of 25 years of dedicated service to the community of Chula Vista.

It shall be the responsibility of the employee's Division Commander to ensure that a City Proclamation is completed and receive final approval by the Chief of Police, and/or his/her designee within a reasonable period of time prior to the date of retirement and scheduled presentation. For the purpose of this policy, retirement and presentation refers to a department presentation or ceremony. The Chief of Police and/or his/her designee may also elect to have a proclamation presented at City Council.

Service Defined: For the purpose of this section, Service is defined as the cumulative time of total service (full time employee status) with the City of Chula Vista regardless of the Department. For example, a Department employee who retires with 15 years of service and who also had 6 years with the City's Park & Recreations Department would have a cumulative service time of 21 years and therefore be eligible for a City Proclamation.

It is currently the City's policy to present employees retiring from City service with 20 or more years of service with a plaque commemorating the employee's longevity and dedicated service to the community. For those department members that honorably retire after 25 years of consecutive service are eligible to receive a "Department Walk-out" Ceremony.

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1029.4.6 COMMENDATIONS FOR CITIZENS

Exceptional Service Award

The Exceptional Service Award is one of the department's highest honors and is awarded to employees or citizens for exceptional service to the department or community or a significant contribution, which exemplifies and fulfills the objectives of the department. Recommendations for this award shall be reviewed by the Awards and Recognition Committee and submitted to the Chief of Police for final consideration.

The recipient of this award receives a framed certificate.

Civilian Commendation

The Civilian Commendation is the department's second highest civilian honor. This award shall be presented to citizens who perform commendable acts, services, or contributions, which exemplify and fulfill the objectives of the department.

The recipient of this award receives a framed certificate.

Letter of Appreciation

A Letter of Appreciation shall be awarded to a private citizen for performing a service, which contributes to the accomplishments of the department's mission; but to a lesser degree than required for a civilian commendation.

1029.4.7 PRESENTATION OF AWARDS

It shall be the responsibility of the Awards and Recognition Committee to coordinate the preparation and presentation of the department awards. All medals and commendations should be accompanied by certificates describing the circumstances warranting recognition. Each certificate of commendation should contain a synopsis of the events meriting the award.

All awards, medals, civilian commendations and employee service awards may be presented by the Chief of Police or his designee at the Annual Awards and Recognition Ceremony or a special ceremony directed by the Chief of Police.

Sworn officers receiving recognition at any awards ceremony, or attending any awards ceremony as a representative of the department shall wear either a dress uniform or class A uniform (long sleeve shirt and tie). Any officer that is assigned in an undercover capacity and does not meet the grooming standards for uniform personnel should contact their Division Commander or the Chief of Police for instructions prior to the date of the ceremony.

Civilian employees receiving an award or recognition, or attending an awards ceremony as a representative of the department shall wear appropriate business attire.

1029.5 WEARING OF DEPARTMENT AWARDS

Officers shall wear only the authorized bar ribbons awarded by CVPD or another law enforcement agency on the uniform shirt. Authorized medals shall be worn on the uniform shirt only on special occasions as prescribed by the Chief of Police or Division Commanders. Medals with neck ribbons

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shall not be worn with uniform except when an officer is the recipient of the medal at the Awards Ceremony. Medals and ribbons shall not be worn on the uniform at the same time. Prior to wearing service medals awarded by another law enforcement agency, Officers must forward a copy of the original citation to the Chief of Police for approval.

Awards authorized for wear with the department uniform in descending order of precedence, are:

(a) Medal of Honor

(b) Medal of Valor

(c) Police Purple Heart Medal

(d) Lifesaving

(e) Meritorious Service Medal, awarded by another law enforcement agency

Medals may be worn only on formal occasions with the dress uniform and must be worn on the right breast pocket, centered just below the flap. Shirt bars should be worn with the uniform at all times and will be worn centered, just above the nametag. A total of three shirt bars of any class may be worn on the uniform.

1029.6 25 YEARS OF SERVICE DISPLAY

Employees who retire or voluntarily separate after having served a minimum of 25-years of service with the Police Department may have their names displayed on the "25 Years of Service Recognition" display at the police facility.

For the purposes of this section, "service" shall not include time accrued with other city departments, contract agencies or other law enforcement organizations. Employees who are dismissed or who resign under the threat of dismissal shall not be eligible for participation in the program. The Chief of Police shall have the final authority in determining eligibility.

1029.7 DISCRETIONARY LEAVE AWARD

The purpose of this policy is to regulate guidelines for requesting and granting Discretionary leave.

1029.7.1 DISCRETIONARY LEAVE POLICY

The Department considers employee rewards for exceptional performance integral to building and maintaining a positive and productive work force within the law enforcement community. The Department will grant paid time off for exceptional performance. This policy applies to all members of the Department. The granting of leave with pay for exceptional performance is discretionary on the part of the Chief of Police or Division Commanders.

1029.7.2 DISCRETIONARY LEAVE PROCEDURES

(a) Eligibility:

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1. All employees shall be eligible for leave with pay for up to three consecutive days for instances of exceptional performance.
2. Such leave may be granted more than once during a fiscal year.

(b) Standards:

1. The Chief of Police or Division Commander shall be the approving authority for granting of leave with pay for exceptional performance.
2. Leave with pay granted under these procedures shall be taken on consecutive days **within six months** of the date granted and shall not be accrued.

(c) Recommendations for Leave with Pay:

1. Supervisors will recommend subordinates for leave with pay.
2. Recommendations may be in the form of a Commanding Officer's Citation, or a memorandum directed to the Chief of Division Commander explaining why the leave is recommended.
3. Recommendations must contain:
   (a) Specific reasons why the employee should be granted the leave with pay; and
   (b) The number of days of leave with pay to be granted.
4. Recommendations for leave with pay shall be forwarded for approval through the chain of command. The Chief of Police or Division Commander shall make the final approval.
5. When a recommendation for leave with pay has been approved, the employee who has been granted the leave will receive a copy of the authorization. A copy of the authorization will be forwarded to the Department's Payroll Specialist for processing. The original authorization shall be kept in the employee's personnel file.
   (a) The employee may use the Discretionary Leave by completing a Leave Request (PERS-115) requesting time off. The employee will write "Discretionary Leave" in the "Other" box and attach a copy of the Discretionary Leave authorization.
   (b) Payroll will remove the original leave authorization from the personnel file.
   (c) Discretionary Leave with pay must be pre-approved.

1029.8 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.

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- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1029.8.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

1029.8.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, division and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

1029.8.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Division Commander for his/her review. The Division Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or the authorized designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Administrative Services secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administrative Services Division Commander. The documentation will be signed by the Division Commander and forwarded to the Chief of Police for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

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Fitness for Duty

1031.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1031.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1031.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

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1031.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1031.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1031.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed.

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Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1031.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

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Meal Periods and Breaks

1033.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1033.1.1 MEAL PERIODS

Sworn employees, dispatchers, and jail custodial employees (Detentions Officers) shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City. Uniformed officers should provide the Communications Center of their location when taking a meal period.

In the Patrol Division, no more than three field units should be on their meal period at the same time. No more than two field units shall take their meal periods at the same location unless authorized by a supervisor. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor. Field officers will take their breaks in their assigned areas, subject to call and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

The time spent for the meal period shall not exceed the authorized time allowed.

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Lactation Break Policy

1034.1 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).

1034.2 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).

1034.3 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 the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1034.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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1034.5 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.

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Overtime Compensation Requests

1037.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit an Overtime Request as soon as practical after overtime is worked.

1037.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete an Overtime Request form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the maximum number of total accumulated hours as defined by the current employee Memorandum of Understanding.

1037.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administrative Services Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1037.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander.

1037.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request. Approved Overtime Request forms shall be immediately forwarded to the appropriate payroll clerk for processing.

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1037.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding (MOU) provides that a minimum number of hours will be paid, (e.g., three hours for Court). In such cases the requesting employee shall document the hours of the day actually worked, but shall record to total number of hours to be paid in accordance with the MOU.

1037.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
1 to 15 minutes	1/4 hour
16 to 30 minutes	1/2 hour
31 to 45 minutes	3/4 hour
46 to 60 minutes	1 hour

1037.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

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Use of Compensatory Time

1038.1 PURPOSE AND SCOPE

In accordance with the Fair Labor Standards Act, employees requesting the use of accumulated compensatory time shall be permitted to use such time within a "reasonable period" after making the request. A "reasonable period" is determined by normal work schedules, peak workloads, staffing requirements for providing service, and available substitutes. The purpose of this policy is to provide a departmental standard for determining a "reasonable period" as specified in the Fair Labor Standards Act, and to provide guidelines for the request and use of accumulated compensatory time.

1038.2 GUIDELINES FOR REQUESTING AND USING COMPENSATORY TIME

Employees requesting the use of compensatory time should file a written request with their immediate supervisor no less than 72-hours in advance of the requested time off. Requests for the use of compensatory time that are received less than 72-hours in advance of the requested time off may be denied.

Employees requesting the use of compensatory time should submit their request on a Leave Request Form. Supervisors receiving requests for the use of compensatory time should sign or initial the request form, and should write the date and time upon which the request form was received, so as to help assure consistency and fairness in meeting the time frame outlined in this section.

1038.3 EXCEPTIONS

Exceptions to this policy may be made at the discretion of the requesting employee's manager or their designee, and shall be based upon reasonable and articulable need.

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Outside Employment

1039.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

1039.1.1 DEFINITIONS

Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1039.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police and the Director of Human Resources. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid for one year. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1039.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the

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employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

1039.3 PROHIBITED OUTSIDE EMPLOYMENT

(a) Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

1. Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

2. Involves the employee's receipt or acceptance of any money or compensation from anyone other than this department for the performance of an act which the employee would be required or expected to render in the regular course of his/her employment as a member of this department

3. Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control inspection, review, audit or enforcement of any other employee of this department

4. Involves time demands that would render performance of the employee's duties for this department less efficient

(b) Additionally, although the decision to authorize outside employment will depend on a variety of circumstances, the following activities will generally be prohibited:

1. Outside employment while one's employment with the Chula Vista Police Department is probationary

2. Outside employment by any private investigative agency

3. Outside employment by any business who's primary function is the sale or dispensing of alcoholic beverages

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4. Outside employment by any private police agency within the city limits of Chula Vista
5. Outside employment by any business which would tend to reflect unfavorably on the Chula Vista Police Department

1039.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position within the city limits of Chula Vista.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must obtain the approval of the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.

(d) No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

1039.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

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1039.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

1039.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1039.4.1 REVIEW OF FINANCIAL RECORDS
Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

1039.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1039.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

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In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Chula Vista Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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Occupational Disease and Work-Related Injury Reporting

1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1041.1.1 DEFINITIONS

Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1041.2 POLICY

The Chula Vista Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

1041.3 RESPONSIBILITIES

1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1041.3.3 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander or designee who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Administrative Services Division Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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1041.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police or designee shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

1041.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Commander through the chain of command and a copy sent to the Administrative Services Division Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1041.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1041.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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Personal Appearance Standards

1043.1 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.

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees whenever on duty or representing the Department in any official capacity, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1043.1.1 EXEMPTIONS FOR UNDERCOVER PERSONNEL

Employees whose current assignment would deem these standards inappropriate, including employees actively engaged in an undercover capacity, may request limited exemptions from portions of this policy from their Division Commander.

1043.2 GROOMING STANDARDS

1043.2.1 HAIR

Hairstyles of all members shall be neat in appearance, and shall not interfere with the wearing of a hat, helmet, or gas mask.

For male sworn members, hair must not extend into the eyes or interfere with the employee's vision, and must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair length shall not extend below the bottom of the collar or it must be worn up in a neat fashion and securely fastened. Barrettes may be worn to keep the hair in place but must be plain gold, silver or a dark color.

1043.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend more than one-half inch below the corners of the mouth or beyond the natural hairline of the upper lip. Mustache hair shall not be waxed.

1043.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the earlobes and shall be trimmed and neat. Sideburns shall end in a clean-shaven, horizontal line. The flared or terminal portion of the sideburn shall not exceed the width of the main portion of the sideburn by more than one-half inch.

1043.2.4 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.

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1043.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails of sworn employees shall be trimmed so that no point of the nail extends beyond the tip of the finger. Sworn employees are prohibited from wearing neon colored or multicolor fingernail polish.

1043.2.6 JEWELRY AND ACCESSORIES
This section applies only to sworn personnel.

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. Female employees may wear no more than one earring in each ear, and the earrings shall be plain, stud-type with no more than three-eighths inch in diameter.

Only one ring may be worn on each hand of the employee while on-duty.

Watchbands, eyeglass frames, and eyeglass holders may be worn provided they are predominately gold, silver, or dark in color. Bright or neon colors are prohibited.

Eyeglasses and sunglasses may be worn provided they do not have reflective or mirrored lenses.

1043.3 TATTOOS

Many factors influence the community's confidence in our department. The image we present to the community must be one of professionalism. At no time while on-duty or representing the department in any official capacity, shall any excessive tattoos or offensive tattoo or body art be visible. Examples of offensive tattoos would include, but are not limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language or logos.

1043.3.1 DEFINITIONS

(a) Tattoo; the act or practice of marking the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.

(b) Excessive tattoos; excessive is defined as any tattoos that:

1. Exceed 30% of the exposed body part.
2. Are above the collarbone readily visible when wearing an open collar uniform.
3. Are upon the hands or fingers, except as permitted in section 1043.3.3.
4. Detract from an appropriate professional image.

(c) Unauthorized tattoos; unauthorized is defined as any tattoos considered inappropriate, unprofessional, or offensive as outlined in this policy. The types of unauthorized tattoos prohibited by this policy include but are not limited to:

1. Depictions of nudity, violence, weapons or weapon accessories (e.g. rifle crosshairs, reticle, sniper scope, ammunition and the like).
2. Sexually explicit, demeaning, or vulgar art, words, phrases, or profane language.

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3. Symbols likely to incite a strong reaction in the workplace, or with the public we serve (e.g. swastikas, pentagrams, or similar symbols).
4. Initials, acronyms or numbers that could represent criminal or historically oppressive organizations (e.g. AB, KKK, SS, MM, BFG, HA, 666 or any street gang names, numbers, and/or associated symbols).
5. Tattooing any body parts in an unusual manner (e.g. tattooing/chemically modifying the color of one's eyes such as "sclera tattoos" or similar modification).

1043.3.2 POLICY

This establishes specific guidelines concerning the display of tattoos by members of the department. It places accountability for compliance not only upon each employee, but also upon their supervisors and commanding officers.

This policy applies to all department personnel, uniformed, non-uniformed, and volunteers. The display of any unauthorized tattoo considered inappropriate, unprofessional, or offensive, regardless of its location, by any member of the department while on duty, or representing the department in any official capacity is prohibited. Any member of the department who displays, even if accidentally, an unauthorized tattoo which is considered inappropriate, unprofessional, or offensive may be subject to disciplinary action.

Any excessive tattoos worn by department personnel shall NOT be visible while wearing an official department uniform, or while wearing appropriate professional attire and representing the department in an official capacity.

1043.3.3 TATTOO EXCEPTIONS

(a) Small wedding band or monogram tattoos on the left-hand ring finger no wider than 1/2 the length of the distance between the webbing of the hand at the base of the finger and the bend of the first knuckle of the ring finger proceeding from the hand are permitted.

(b) Permanent facial makeup that is designed to mimic the look of traditional cosmetics (i.e. eyebrow, lip liner, and eyeliner) so long as it is consistent with and does not substantially modify the member's natural appearance is permitted.

(c) Existing tattoos approved by the Chief of Police or his/her authorized designee.

1043.4 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 (including ear gauges), eyes, nose or teeth

(d) Branding or scarification.

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(e) Abnormal or unusual body modifications to the structure of the face, neck, head, or any other visible portion of the body (e.g. the subdermal or transdermal adding of "horns", "rings", "bumps", and the like to the forehead, or other body parts).

1043.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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Uniform Regulations

1045.1 PURPOSE AND SCOPE

The uniform policy of the Chula Vista Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications 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 Chula Vista Police Department shall not authorize or allow employees to wear a uniform that is substantially similar to any uniform of the United States Armed Forces or state active militia. The department shall not authorize or allow its employees to wear a uniform that is made from a camouflage printed or patterned material.

This section applies to personnel who are assigned to uniformed patrol, uniformed crime suppression, or uniformed duty at an event or disturbance, including any personnel that respond to assist at a protest, demonstration, or similar disturbance. It does not apply to members of a Special Weapons and Tactics (SWAT) team, sniper team, or tactical team engaged in a tactical response or operation.(Penal Code §§ 13655):

The Chula Vista 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.

1045.2 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 (Penal Code § 13655).

(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.

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(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

(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. Wristwatch
2. Wedding ring

l. Class ring or other rings of tasteful design. A maximum of one ring/set may be worn on each hand

m. Medical alert bracelet

1045.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1045.3 UNIFORM CLASSES

1045.3.1 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 dark blue polyester or wool blend shirt, with tie and tie clasp or tie pin

(b) A white or black crew neck t-shirt must be worn with the uniform. The sleeves of the t-shirt shall not extend below the sleeves of the uniform shirt

(c) Polished shoes or boots

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(d) White dress gloves when directed

(e) Boots with pointed toes are not permitted

1045.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(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. The sleeves of the t-shirt shall not extend below the sleeves of the uniform shirt

(c) All shirt buttons must remain buttoned except for the last button at the neck. The sleeves may not be rolled up

(d) Shoes for the Class B uniform may be as described in the Class A uniform

(e) Boots with pointed toes are not permitted

1045.3.3 CLASS C UNIFORM
The Class C uniform may be authorized for members assigned to certain specialty units (i.e. Street Team/Canine). The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1045.3.4 CLASS D UNIFORM
The Class D uniform will consist of the dark blue external vest carrier purchased through a department approved vendor. The vest carrier must be worn with an authorized uniform shirt. The wearing of any other shirt under the vest carrier is prohibited. Canine and Street Team Gang Suppression Unit members are authorized to purchase a vest carrier to match their Class C uniform.

Members choosing to wear the Class D uniform must adhere to the following:

(a) The front of the vest carrier must have the appearance of a uniform shirt with buttons down the center and two breast pockets

(b) The duty firearm, accompanying ammunition and Taser must be carried on the duty belt. Carrying of these items on the vest carrier is prohibited

(c) All other items such as baton, OC spray, portable radio, and/or handcuffs may be worn on the vest carrier

(d) The rest of the uniform must adhere to the same garment standards as described in the Class B Uniform

1045.3.5 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

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1045.3.6 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1045.4 INSIGNIA AND PATCHES

1. Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.
   (a) In honor of Breast Cancer awareness month, all uniformed police personnel are authorized to wear the Breast Cancer Awareness uniform patch (Pink Patch). This shoulder patch will be worn in accordance with the Department's uniform policy, annually, during the month of October. Employees electing to wear the Breast Cancer Awareness patch will be responsible for the purchase and for all costs associated with the uniform alterations.
2. Service stripes, stars, etc. - Service stripes may be worn on long sleeved shirts and jackets, and stars may be inscribed into metal name tags worn on the uniform shirt. One service stripe or star represents five years of law enforcement service for any recognized Law Enforcement agency. Service stripes are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.
3. The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If an employee's first and last name are too long to fit on the nameplate, then the initial of the first name will accompany the last name.If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
4. When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

Mobile Field Force (MFF) and Special Weapons and Tactics (SWAT) personnel will be authorized to wear an ID number strip in lieu of a name strip during specific circumstances. The MFF and SWAT Commanders will have the authority to authorize the use of the ID number strips based on the presence of potential officer safety factors. The use of ID number strips conforms with California Penal Code section 830.10. (Any uniformed peace officer shall wear a badge, nameplate, or other device which bears clearly on its face the identification number or name of the officer.) The use of ID number strips is for officer safety due to doxing occuring during times of civil unrest.

Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

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Authorized Pin - Authorized pins may be worn, centered above the nameplate. The following pins are authorized for wear:

(a) F.T.O.

(b) Bilingual

(c) K-9

(d) City service pins

(e) S.W.A.T.

(f) Traffic Investigator wheel

(g) Motor Officer wheel

(h) Authorized service award shirt bars

(i) Marksmanship awards

(j) 10851 program pins

(k) Special event pins or any others authorized by a Division Commander.

(l) American Flag Pins or Military American Flag combination pins

(m) CNT

(n) MFF

(o) DUI

(p) PERT

(q) FBI NA or POST Command College (not both at same time)

5. Badge - The department-issued badge, or an authorized sewn-on cloth replica, must be worn and visible at all times while in uniform.

6. Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The small or 3/4" sized rank insignia will be worn on the uniform shirt collar. The large or 1" sized rank insignia will be worn on the jacket collar. The rank insignia will be placed on the collar centered horizontally and 1/2" from the vertical edge of the collar. The Chief of Police may authorize exceptions.

Rank Insignia is as follows -

Field Training Officer:

a) Short sleeve: One chevron is to be centered on the outer half of the sleeve between the shoulder seam and the edge of the sleeve, below the Department patch.

b) Long sleeve: One chevron is to be centered on the outer half of the sleeve between the shoulder seam and the bottom edge of sleeve, below the Department patch.

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Agent:

a) Short sleeve: Two chevrons is to be centered on the outer half of the sleeve between the shoulder seam and the edge of the sleeve, below the Department patch,

b) Long sleeve: Two chevrons is to be centered on the outer half of the sleeve between the shoulder seam and the bottom edge of sleeve, below the Department patch.

Sergeant:

a) Short sleeve: Three chevrons is to be centered on the outer half of the sleeve between the shoulder seam and the edge of the sleeve, below the Department patch,

b) Long sleeve: Three chevrons is to be centered on the outer half of the sleeve between the shoulder seam and the bottom edge of sleeve, below the Department patch.

Command staff and Lieutenants:

A small or 3/4" sized rank insignia will be worn on the uniform shirt collar. The large or 1" sized rank insignia will be worn on the jacket collar. The rank insignia will be placed on the collar centered horizontally and 1/2" from the vertical edge of the collar.

The Chief of Police may authorize exceptions.

1045.4.1 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) Whenever an officer is killed in the line of duty in the State of California - 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.

1045.5 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.

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(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 suit 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 that are moderate in style

(d) The following items shall not be worn on duty:

1. Distasteful printed slogans, buttons or pins
2. Spandex type pants or see-through clothing
3. Swimsuit, tube tops, or halter-tops
4. Open toed sandals.
5. T-shirt alone

e. Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

f. No item of civilian attire may be worn on duty that would adversely affect the reputation of the Chula Vista Police Department or the morale of the employees.

1045.6 DISPATCHER UNIFORM

Unless otherwise authorized by the Chief of Police or his/her designee, all dispatch non-sworn employees will wear the following:

(a) All Dispatchers will wear department issued navy blue polo shirt (either long or short sleeve)

(b) All Dispatch Supervisors will wear department issued black polo shirt (either long or short sleeve)

(c) All Dispatchers will be issued a department navy blue jacket to be worn on-duty when needed.

(d) All Dispatch Supervisors will be issued a department black jacket to be worn on-duty when needed.

(e) Both Dispatcher and Dispatcher Supervisors shall wear professional color slacks or business style pants.

(f) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(g) The following items shall not be worn on duty:

1. T-shirt alone
2. Opened toed sandals.
3. Spandex type pants, leggings, or see-through clothing

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4. Jeans

1045.7 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Chula Vista 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 Chula Vista 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 except when authorized by the Chief of Police or designee (P.O.S.T. videos, etc.).

1045.8 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).

1045.9 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Chula Vista Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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Chula Vista Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

1045.10 EQUIPMENT REQUIREMENTS

1045.10.1 SWORN PERSONNEL

All sworn personnel shall carry their department identification card in their immediate possession at all times, both on-duty and off-duty.

(a) Additionally, sworn personnel on-duty or representing the department in any official capacity shall at all times carry on their person the following equipment, unless otherwise authorized by the Chief of Police:

1. Authorized duty firearm in an approved holster
2. Ammunition issued by the Department for on-duty use
3. Authorized handcuffs in an approved handcuff holster. All handcuffs carried or used by on-duty personnel shall be stainless steel or gun metal blue in color
4. Uniform or authorized flat badge
5. A valid California driver's license
6. A timepiece capable of keeping the correct time

(b) Additionally, sworn personnel on-duty and in uniform shall at all times carry on their person the following equipment, unless authorized by the Chief of Police:

1. Body armor as specified in Section 2024
2. Two spare magazines
3. A pen with either black or blue ink
4. A notebook
5. A flashlight for personnel working during hours of darkness
6. A TASER
7. Oleoresin Capsicum (pepper spray) product issued by the Department
8. A collapsible, side-handle, or straight baton.

Additionally, sworn personnel on-duty, in uniform, and working a field assignment shall at all times carry on their person his/her approved duty firearm. Sworn personnel while off-duty are not required to carry a firearm. Any sworn employee electing to carry a firearm while off-duty shall also carry on their person their badge (either uniform badge or authorized flat badge), Department identification card and shall carry their firearm in a concealed and inconspicuous manner.

1045.10.2 OTHER PERSONNEL

All other personnel shall carry their department identification card in their immediate possession at all times, both on-duty and off-duty.

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1045.11 HEADGEAR

Headgear: Officers may wear a hat while on duty. There are four types of hats that are authorized for use by officers of the Department:

1. Dress Hat: Dark blue with a black bill and a black visor strap per Departmental specifications. Officers holding the rank of Lieutenant will wear a gold metal cap strap on their hat. Captains and above will wear the same hat with a gold cloth band with "Bullion" visor of black felt with gold leaf. All hats will have a gold cap piece attached when worn by personnel.

2. Stratton Campaign Hat: This hat will be dark blue in color, made of either straw or felt and will be worn with the gold acorn strap attached. In addition, the cap piece shall be all gold and affixed to the front of the hat.

3. Baseball Cap: A department approved baseball cap can also be worn. The cap shall be dark blue in color with a “Chula Vista Police” logo in a gold thread color.

4. Stocking or watch caps: The caps are only to be worn during inclement weather, (i.e. extreme cold or rain) and meant to be worn outside, (not in the Police Station or while driving patrol vehicle). The concept behind the caps is to keep the officer warm while outside during extendedperiods during special events, holding a perimeter, etc. The caps must be form fitting to the head and be either black or dark blue in color with no visible logos. A CVPD logo and/or the officers ID # in either black or dark blue may be stitched onto the hat. Caps with tassels, straps orthat can be pulled down past the eyebrows shall be prohibited.

1045.12 HONORABLE RETIREMENT UNIFORM

Sworn members who honorably retire after 25 or more years of service and/or are medically retired and are eligible for benefits under the California Public Employees Retirement System may request to keep one Class A uniform upon retirement. The retirement uniform will consist of: a complete set of accouterments, authorized long sleeve uniform shirt, one pair of authorized uniform pants, basket weaved duty belt, holster, magazine pouch, handcuff case, handcuffs, belt keepers, pant belt, uniform tie, and name tag.

The retired member will ensure the uniform shirt displays the official Chula Vista Police Department uniform patches, appropriate rank patches or bars, and service stripes on the left sleeve. The uniform appearance shall be neatly pressed, clean, and meet inspection specifications.

Retiring officers will be responsible for their own shoes, boots, hats and jackets. A ballistic vest will not be issued and is not required to be worn with the retirement uniform.

The authorized retirement uniform may only be worn with the written permission of the Chief of Police. The uniform maybe worn to specific events such as Academy graduations, swearing-in ceremonies, funerals, memorial services, or other special events, including out of state events authorized by the Chief of Police.

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Retired officers who are attending authorized police events while in uniform are only authorized to go directly to and from the event in uniform, and wear a cover shirt or coat over the uniform while in transit. Retired officers are encouraged to maintain a professional appearance, proper grooming standards and demeanor when representing the Chula Vista Police Department. Consumption of alcohol while in uniform is strictly prohibited.

Retired officers may not wear the Chula Vista Police uniform, or any part thereof in public without written permission from the Chief of Police. The City of Chula Vista and the Chula Vista Police Department assumes no responsibility or liability for retired officers in uniform attending authorized events.

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Roster of Personal Address and Telephone Numbers

1046.1 PURPOSE AND SCOPE

The Department maintains a roster of personal and professional data of all members, including personal addresses and telephone numbers. Access to the roster is restricted to protect the privacy of Department employees.

1046.2 EMPLOYEE RESPONSIBILITY

All Department members are required to maintain a telephone number for voice communications at which they may be contacted while off-duty, such as a home or cellular telephone.

Department members shall provide their home address, telephone number, and emergency contact information to the Department. Members shall notify the department within 24 hours of any change in residence address or telephone number, in accordance with §340.3.1 of this Policy Manual.

1046.3 ACCESS TO DEPARTMENT ROSTER

Access to the Department Roster is restricted to protect the privacy of Department members. Only personnel authorized by Command Staff or the Professional Standards Unit may access the Department Roster. Access to the Roster may also be limited to specific components as required by the Professional Standards Unit.

1046.3.1 PRINTED COPIES

Printed "hard" copies of the roster are considered confidential documents, and shall be reasonably secured to prevent unauthorized access. Duplication of the roster is prohibited. Employees shall personally destroy printed copies of the roster when no longer needed, or shall otherwise deliver them to the Professional Standards Unit for destruction.

1046.3.2 REQUESTS FROM OUTSIDE THE DEPARTMENT

Release of personal telephone numbers by employees shall be restricted to department employees only. Personal telephone information shall not be released to personnel from any outside agencies such as District Attorneys or other law enforcement officers. Employees shall verify the identity of any caller prior to releasing any roster information.

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Police Explorers

1047.1 PURPOSE AND SCOPE

The Police Explorer Program is sponsored by the Chula Vista Police Department in cooperation with the Boy Scouts of America. The purpose of this program is to introduce young adults to a Law Enforcement career. It is further the aim of the program to instill and promote sound morals, ethical conduct, and a sincere respect for law and order.

Explorers work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1047.2 PARTICIPATION REQUIREMENTS

Explorers are required to be at least fourteen years of age, but shall not be over twenty years of age, and must be enrolled in either high-school or college and maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

1047.3 PROGRAM COORDINATOR

The Chief of Police will designate a Program Coordinator, who should be of the rank of Sergeant or higher. This supervisor will be responsible for overseeing the program and Explorer Advisors. He/she will also monitor the training provided for all Explorers, review all decisions affecting job assignments,status for compensation, school attendance and performance evaluations.

1047.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Explorer Program. These officers will serve as mentors for the explorers. Explorers will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. The advisor(s) will lead scheduled meetings and training sessions involving the explorers. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

1047.4 ORIENTATION AND TRAINING

Newly selected Explorers will receive an orientation of the organization and facilities. Explorers shall attend a live-in Law Enforcement Explorer Academy within the first year of service or as soon as practical. Additionally, Explorers receive periodic training including but not limited to traffic and spectator crowd control, self-defense, firearms and criminal law during regular Explorer Program meetings.

1047.5 EXPLORER UNIFORMS

Each Explorer will be provided one uniform meeting the specifications described in the Department's Uniform Specifications Guidelines.

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1047.6 RIDE-ALONG PROCEDURES

Before being authorized to participate in uniformed ride-alongs with sworn officers, Explorers must successfully complete certificate training in first aid and CPR, attend the Law Enforcement Explorer Academy, and successfully complete a nine month probationary period. Explorers meeting the above guidelines are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

The Program Coordinator shall maintain guidelines outlining the extent to which Explorers may be involved in law enforcement activities while on a ride-along.

1047.7 PERFORMANCE EVALUATIONS

Performance evaluations for all Explorers shall be completed monthly during their first year on probation. Upon successful completion of probation, explorers and senior explorers will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

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Nepotism and Conflicting Relationships

1049.1 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.

1049.1.1 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.

1049.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, 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.

1049.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

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1049.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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Department Badges

1051.1 PURPOSE AND SCOPE

The Chula Vista Police Department badge and uniform patch as well as the likeness of these items and the name of the Chula Vista Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1051.2 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.

1051.2.1 FLAT BADGE

Sworn officers, upon completion of their employment probation, and with the written approval of the Chief of Police, may purchase, at their 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 they purchased to another officer within the Chula Vista 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 Policy Manual 700.

(c) An honorably retired officer may keep their flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

Officers with prior California law enforcement experience (i.e. lateral officers) but still on probation may request authorization to purchase a flat badge. Any such application will be evaluated on a case-by-case basis. Probationary periods associated with promotions are not a factor in determining eligibility to purchase a flat badge.

Upon separation from service, sworn employees who purchased their flat badge after July 12, 1994 shall immediately relinquish their flat badge to the Chula Vista Police Department. Sworn employees who purchased their flat badge before July 12, 1994 are not required to relinquish their flat badge. Sworn employees separating or retiring in good standing may request to have their flat badge encased in an epoxy or acrylic material such as Lucite, and returned to them. In most cases the separating employee will be responsible for all costs relating to the encasement of the badge.

Sworn employees separating or retiring in good standing may request to purchase a retired flat badge at their own expense.

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Sworn employees separating or retiring in good standing, who have served 25 or more years' combined service with any California law enforcement agency, may be provided a retired flat badge by the Department.

Sworn police reserves officers separating in good standing, having served 20 or more years' service with the Chula Vista Police Reserve Program, may be provided, upon request, a retired flat badge by the Department, provided the badge is encased in an epoxy or acrylic material such as Lucite.

Volunteers separating in good standing from the Chula Vista Police Department Senior Volunteer Patrol, having served 5 or more years' service, may be provided, upon request, a Senior Volunteer Patrol badge, provided the badge is encased in an epoxy or acrylic material such as Lucite. The cost for the badge and the Lucite process will be at the expense of the Chula Vista Police Department.

1051.2.2 CIVILIAN PERSONNEL

Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of their uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent themselves, on or off duty, in such a manner which would cause a reasonable person to believe that they are a sworn peace officer.

1051.2.3 CENTENNIAL BADGE

(a) On November 28th, 1911 Darwin Black was appointed City Marshal, and by this action became Chula Vista's first law enforcement officer. In order to celebrate the 100 years of Chula Vista law enforcement, the Chula Vista Police Department is allowing sworn and volunteers to purchase an authorized Centennial Badge. The following personnel may purchase of an authorized Centennial Badge through the Centennial Badge Committee process.

1. All sworn employees
2. All sworn reserve police volunteers
3. All retired sworn and reserve employees in good standing (with Chief approval)
4. Community Service Officers
5. Detentions Officers
6. Police Explorers

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7. Senior Volunteer Patrol Officers
8. Civilian Background Investigators
9. Investigative Specialists
10. Crime Laboratory Managers
11. Forensic Specialists
12. Latent Print Examiners
13. Department Psychologists
14. Mounted Volunteers

(b) The following information applies specifically to the Centennial Badge.

1. All purchases made by current employees and volunteers in good standing during the initial purchase process (2010-2011) are considered approved by the Chief.
2. All subsequent purchases (after 2011) require pre-approval from the Chief.
3. All employees and volunteers authorized to wear or present the Centennial Badge may do so during the entire calendar year 2011.
4. All employees and volunteers are authorized to wear or present the Centennial Badge during the month of November every year hereafter.
5. All sworn retirees in good standing and with pre-approval by the Chief may purchase a Centennial Badge. There is no requirement to encase the badge in Lucite.
6. Unless otherwise stated all rules that apply to department issued badges apply to the Centennial Badge.

1051.2.4 SEPTEMBER 11TH ANNIVERSARY BADGE

On September 11, 2001, four hijacked airliners became weapons to attack multiple locations across the United States. The day concluded with thousands of Americans dead. Among them 71 law enforcement officers and 343 firefighters. In order to honor those first responders who lost their lives on 9-11, the Chula Vista Police Department is allowing sworn personnel to purchase an authorized September 11th Anniversary Badge.

(a) The following information applies specifically to the September 11th Anniversary Badge.

1. All September 11th Anniversary Badge purchases require pre-approval from the Chief.

2. All employees are authorized to wear the September 11th Anniversary Badge during the month of September.

3. Unless otherwise stated all rules that apply to department issued badges apply to the September 11th Anniversary Badge.

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1051.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan their department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

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Temporary Modified-Duty Assignments

1053.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

1053.2 POLICY

Subject to operational considerations, the Chula Vista Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1053.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Chula Vista Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee’s ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

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Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.

1053.4 PROCEDURE

Employees may request assignment to modified duty by providing a signed statement from their health care provider describing their restrictions, limitations and expected duration to their Division Commander or his/her designee. The statement must also indicate if the employee requires any workplace accommodations, mobility aids or medical devices.

The Division Commander will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment. Requests for a modified-duty assignment of 20 hours or less may be approved and facilitated by the Watch Commander or Division Commander. Assignments of longer duration are subject to the approval of the Chief of Police or his/her designee.

1053.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment and limitations and restrictions as determined by the employee's health care provider.

1053.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall complete and process a change of shift/assignment form.

(a) Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment shall provide a duty status report to their supervisor no less than once every 30 days while the employee is on modified duty.

(c) Supervisors shall keep the Division Commander apprised of the employee's status and ability to perform the modified-duty assignment. Modified-duty assignments that extend beyond 60 days will require a written status report and a request for an extension to the Division Commander with an update of the employee's current status and anticipated date of return to regular duty. Extensions require approval of the Chief of Police.

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(d) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander and complete and process a change of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

1053.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1053.5 PREGNANCY

It is the policy of the Department to reassign employees who are pregnant upon request by the employee or when deemed necessary by the Department to temporary assignments that will not routinely expose the employee to potentially hazardous environments or activities.

1053.5.1 EMPLOYEE NOTIFICATION

An employee who learns of her pregnancy is encouraged to notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the Department of her intent regarding reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care. The employee shall also submit a statement from her health care provider of any job restrictions or limitations she may have.

1053.5.2 SUPERVISOR'S RESPONSIBILITY

Upon receiving the medical verification of the pregnancy and a request for job accommodation, reassignment or leave, the supervisor shall notify the Division Commander, who will consider assigning the employee to an available temporary modified-duty assignment if it is deemed appropriate by the Department or medically necessary by the employee's health care provider.

If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City's Personnel Rules and Regulations regarding family and medical care leave.

1053.6 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to the employee's assignment to modified duty.

1053.7 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees who are assigned

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to modified duty shall inform their supervisor of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1057.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1057.1.1 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.

1057.2 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 Chula Vista 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.

1057.3 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 Chula Vista Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates.

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Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1057.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Chula Vista 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 Chula Vista Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Chula Vista Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Chula Vista 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

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for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Chula Vista Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1057.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Chula Vista Police Department or identify themselves in any way that could be reasonably perceived as representing the Chula Vista Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Chula Vista Police Department.

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Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or 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).

1057.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also 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. However, the Department may not require an employee to disclose a personal user name 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).

1057.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

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(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1057.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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Peer Support

1058.1 PURPOSE AND SCOPE

The Department may maintain a group of employees specially trained to provide peer support to department members. It is the Department's intent to provide proactive measures with regard to employee health and well-being issues. As a basic step towards this intention, employees serving as members of the Peer Support Team will be available to respond to assist members involved in critical incidents or other employees in need of assistance as the result of a stressful incident. Department employees in need of peer support services may request help from the Peer Support Team for incidents involving a spouse or immediate family member when the situation creates a traumatic impact on the employee or their immediate family members.

The purpose of this policy is to provide personnel with guidelines pertaining to utilization for the Peer Support Team.

1058.1.1 DEFINITION

For the purpose of this policy, the following definitions will apply:

Critical Incident - Any event that has emotional power to overwhelm an individual's usual ability to cope with stress and which may interfere with the functioning of a person's coping mechanism immediately or in the future.

Peer Support Team - A team composed of sworn and/or civilian personnel with special training in critical incident stress.

Debriefing - A closed confidential discussion of a critical incident relating to the feelings and perceptions of those directly involved prior to, during, and after a stressful event. A Debriefing is intended to provide support and education, and an outlet for views and feelings associated with the event. Debriefings are not considered counseling, reprimands or a critique of the incident.

Peer Support Meeting - A private discussion regarding a stressful incident or situation. The meeting may be between peer support members and an employee, family members, or others. Such meetings may be requested by the affected employee or offered pro-actively by any peer support team member.

Peer Support Team Member - A Department member trained in critical incident stress management to recognize and understand stress reactions during and after critical incidents, and assigned to the Peer Support Team.

Peer Support Team Debriefing - A closed confidential discussion between person(s) involved in an incident and the Peer Support Team Member(s) of the person's choice.

Defusing - A brief confidential discussion between person(s) involved in an incident and the Peer Support Team Member(s). A Defusing is intended to occur immediately following an incident. The purpose of a defusing is to restore the employee(s) cognitive functioning and to prepare him/her for future stress reactions from the incident,

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Mental Health Professional - A board certified Ph.D. psychologist approved by the Chief of Police to assist Peer Support Team Members when needed.

1058.1.2 CONFIDENTIALITY

Except where otherwise stated herein, Peer Support Team Members shall maintain strict confidentiality in matters discussed in peer debriefings, defusing, or peer support meetings. Any statement or discussion with Peer Support Team Members acting in his/her role as a Peer Support Team Member should remain confidential.

Notwithstanding the above guidelines, confidentiality shall not be maintained for any of the following circumstances:

- Admissions of any criminal act that amounts to a felony in the State of California.
- Information that reasonably appears to be related to any ongoing criminal investigation.
- Information which the Peer Support Team Member is legally required to report in accordance with any statutory authority or Department Policy.
- Information that reasonably suggests any person represents a danger to himself/herself or any other person, including but not limited to threats of suicide, or threats to harm any other person.
- Persons utilizing the Peer Support Team should be advised of the confidential nature of each meeting and the exceptions thereto.

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Early Intervention Assistance Program

1059.1 PURPOSE AND SCOPE

The Early Intervention Assistance Program (EIAP) is committed to promoting employee success through non-disciplinary methods. The EIAP is a data based management tool designed to identify employees whose performance exhibits potential problems, and then to provide interventions and assistance. Intervention and assistance may include counseling, training and/or referral, based on the particular needs and input of the employee.

Through Early Intervention, behaviors which could lead to diminished work performance are more easily identified. Early Intervention is implemented through the employee's supervisor with support from EIAP, and occurs immediately after a behavior is identified.

Historically, the Chula Vista Police Department has used components of an Early Intervention system to assist employees, however there has never been a formalized process or procedure.

All documentation regarding EIAP is considered confidential.

EIAP applies to all Department employees.

1059.2 BACKGROUND

Early Intervention systems have emerged as an important mechanism for police accountability. Research supports that certain work related experiences may contribute to the deterioration of employee work performance. Studies show that early referrals to appropriate resources for assistance or training may help employees continue to perform well.

In an Early Intervention system, performance data is entered into a computerized database. The data includes departmental use of force reports, citizen complaints, employee involvement in civil litigation, and other performance indicators. The main benefit of an Early Intervention system is its capacity to spot patterns of performance and to intervene before problems lead to a serious incident such as a lawsuit or citizen complaint.

An Early Intervention system is a non-disciplinary tool and is officially separate from the formal disciplinary system. It is designed to help employees improve their performance through counseling, training, or coaching. No record of participation in an Early Intervention program is placed in an employee's personnel file, although a separate record of participation is maintained. One or more of the incidents identified by an Early Intervention system may warrant formal disciplinary action that is officially recorded, but identification by the Early Intervention system remains separate from the disciplinary process.

1059.3 DEFINITIONS

Early Intervention Assistance Program (EIAP) – A data based management tool designed to identify employees whose performance exhibits potential problems, and then to provide interventions and assistance, usually counseling or training, to correct those performance issues.

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Indicators – Categories of employee activity that are used to make comparisons with established Department thresholds.

Intervention - Counseling/ coaching an employee or referring employee to appropriate resources.

Thresholds – Number or percentage which initiates the beginning of an Early Intervention notification.

1059.4 RESPONSIBILITIES

EIAP Supervisor – Oversees the program and monitors system alert notifications. Is responsible for disseminating alert information to an employee's direct supervisor and for following up to ensure proper guidelines were followed and completed.

First Line Supervisor – Responsible for reviewing alerts assigned by the EIAP Supervisor. Will review the information and determine if any assistance and/or training is necessary. The First Line Supervisor will collaborate with the Division Commander on an agreed course of action.

Division Commander – Collaborates with the First Line Supervisor and approves the recommended course of action.

Professional Standards Unit – Maintains the Early Intervention database by confirming records are accurate and purge guidelines are followed. The Professional Standards Unit also ensures confidentiality and proper procedures are followed.

1059.5 EARLY INTERVENTION PROCESS

Upon receiving information of a qualified indicator, the employee's First Line Supervisor will promptly enter the information into the Early Intervention system. Once an established threshold is met, the EIAP Supervisor will receive an alert notification. The EIAP Supervisor will review the notification and forward to the employee's First Line Supervisor.

The First Line Supervisor will review the forwarded notification and evaluate the circumstances of the notification. This typically requires looking at not only the current incident, but previous incidents which contributed to meeting the threshold. If it is determined the notification raises no concerns, the First Line Supervisor will notify the EIAP Supervisor the situation was examined and no further action is needed. The EIAP Supervisor will then close out the notification with a brief summary of the investigation in the Early Intervention System, noting no further action recommended.

If the First Line Supervisor determines there is an identified need for assistance and/or training, the First Line Supervisor will recommend various forms of assistance. The employee is not obligated to use the referral for assistance or the recommended training. The employee's response to the recommendation will be noted by the First Line Supervisor in the database.

If the notification results in a determination of a skillset deficiency, training can be mandated to immediately assist with the deficiency. The training may be conducted at the direction of the First Line Supervisor or in coordination with the CVPD Training Unit.

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The outcome of the training will be documented by the First Line Supervisor in the Early Intervention System, and the EIAP Supervisor will be notified of the completed process.

1059.6 CONFIDENTIALITY OF DATA

Information, data and any documents compiled during the Early Intervention process shall be considered confidential and will not be subject to discovery or release except as provided by law. Internal and external access to data in the system will be governed under the same process as access to an employee's personnel file as outlined in the Department Personnel Files Policy. All information contained in the database will be considered part of the employees personnel file.

1059.7 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all indicators and documents shall be purged from the Early Intervention System and all other locations within the Department in accordance with the established retention schedule and as described in the Personnel Files Policy.

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Illness and Injury Prevention

1060.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Chula Vista Police Department, in accordance with the requirements of 8 CCR § 3203.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Citywide safety efforts.

1060.2 POLICY

The City of Chula Vista is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Department of Human Resources will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Department to comply with all laws and regulations related to occupational safety.

1060.3 ILLNESS AND INJURY PREVENTION PLAN

The Director of Human Resources, Courtney Chase is responsible for developing an illness and injury prevention plan that shall include:

(a) Workplace safety and health training programs.

(b) Regularly scheduled safety meetings.

(c) Posted or distributed safety information.

(d) A system for members to anonymously inform management about workplace hazards.

(e) Establishment of a safety and health committee that will:

1. Meet regularly.
2. Prepare a written record of safety and health committee meetings.
3. Review the results of periodic scheduled inspections.
4. Review investigations of accidents and exposures.
5. Make suggestions to command staff for the prevention of future incidents.
6. Review investigations of alleged hazardous conditions.
7. Submit recommendations to assist in the evaluation of member safety suggestions.
8. Assess the effectiveness of efforts made by the Department to meet relevant standards.

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(f) Establishment of a process to ensure serious illnesses or injuries and death are reported as required by the Division of Occupational Safety and Health Administration (Cal/OSHA) (8 CCR § 342).

1060.4 ADMINISTRATIVE SERVICES DIVISION COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Division Commander include, but are not limited to:

(a) Managing and implementing a plan to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:

1. New member orientation that includes a discussion of safety and health policies and procedures.
2. Regular member review of the illness and injury prevention plan.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

1. Informing members of the illness and injury prevention guidelines.
2. Recognizing members who perform safe work practices.
3. Ensuring that the member evaluation process includes member safety performance.
4. Ensuring department compliance to meet standards regarding the following:
   (a) Respiratory protection (8 CCR § 5144)
   (b) Bloodborne pathogens (8 CCR § 5193)
   (c) Aerosol transmissible diseases (8 CCR § 5199)
   (d) Heat illness (8 CCR § 3395)
   (e) Emergency Action Plan (8 CCR § 3220)
   (f) Fire Prevention Plan (8 CCR § 3221)

(e) Making available the Identified Hazards and Correction Record form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available the Investigation/Corrective Action Report to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

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(h) Conducting and documenting a regular review of the illness and injury prevention plan.

1060.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

(a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.

(b) Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.

(c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.

(d) Completing required forms and reports relating to illness and injury prevention; such forms and reports shall be submitted to the Administrative Services Division Commander.

(e) Notifying the Administrative Services Division Commander when:

1. New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
2. New, previously unidentified hazards are recognized.
3. Occupational illnesses and injuries occur.
4. New and/or permanent or intermittent members are hired or reassigned to processes, operations or tasks for which a hazard evaluation has not been previously conducted.
5. Workplace conditions warrant an inspection.

1060.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazards and Correction Record form. This form should be forwarded to the Administrative Services Division Commander via the chain of command.

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The Administrative Services Division Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

1060.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The Administrative Services Division Commander shall ensure that the appropriate documentation is completed for each inspection.

1060.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their personal protective equipment (PPE) prior to working in the field. Members shall complete the Identified Hazards and Correction Record form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

1060.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

(g) Completion of an Investigation/Corrective Action Report form.

(h) Completion of an Identified Hazards and Correction Record form.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

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1060.9 TRAINING

The Administrative Services Division Commander should work with the Training Manager to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) To all members with respect to hazards specific to each member's job assignment.

(c) To all members given new job assignments for which training has not previously been provided.

(d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(e) Whenever the Department is made aware of a new or previously unrecognized hazard.

1060.9.1 TRAINING TOPICS

The Training Manager shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves, footwear and PPE.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Prevention of heat and cold stress.

(h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(k) Back exercises/stretches and proper lifting techniques.

(l) Avoidance of slips and falls.

(m) Good housekeeping and fire prevention.

(n) Other job-specific safety concerns.

1060.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

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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 Chula Vista 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 they have engaged in protected activity.

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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 they have been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or 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.

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(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

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 Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

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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.

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Attachments

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Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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APPENDIX final.pdf

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APPENDIX to CVPD PDM 326

326.5 CVPD protocol for investigations and reporting

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, BWC, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).

2. Whether an individual knowingly altered or forged a request for an aid-in- dying drug to end a person's life without his/her authorization, or concealed

or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).

3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).

4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

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

326.8 CVPD protocol for mandatory notification

Members of the Chula Vista 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 he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c)).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(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)).

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)).

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.

326.10 CVPD protocol for interviews

(a). PRELIMINARY INTERVIEWS

1. 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.

(b) DETAINING VICTIMS FOR INTERVIEWS

1. An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview.

(b). INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

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

Hate Crime Checklist.pdf

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Statutes and Legal Requirements.pdf

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